

Striving to capture the state

Official Ulema in Indonesia and Malaysia

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This thesis is my own original work, except otherwise cited in the text and footnotes.

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ABSTRACT

This study examines the religious and political behaviour of Indonesian and Malaysian official ulema vis-à-vis their respective states. Official ulema are those Islamic religious scholars who serve in state-sponsored institutions. In Indonesia, the main official ulema institution is the MUI (Ulama Council of Indonesia); but for Malaysia, official ulema function in at least one of the following institutions: the JKF-MKI (National Fatwa Committee); JAKIM (Department of Islamic Development Malaysia); and IKIM (Malaysian Institute for Islamic Understanding). The study looks at the state-ulema power dynamic, in particular, two processes. The first is "co-optation," which refers to states' attempts to neutralise ulema's influence. States invite ulema to participate in the religious bureaucracy and support their ideology and policies in return for rewards, status and recognition. The second is "capture," which refers to ulema capitalising on their position in state institutions to strengthen their authority, to gain access to important political and economic networks, to lobby their personal or groups' agenda, and to push through agendas that are not necessarily those of the state which co-opted them.

There are two central questions in this study. First, as the Indonesian and Malaysia states strive to co-opt official ulema, in what ways have official ulema managed to capture parts of their respective states? Second, has the increase in political competition since the 1997 Asian financial crisis led to stronger or weaker capture by official ulema in both countries? In answering these questions, I engage with existing writings on Indonesian and Malaysian official ulema. These works have made two broad generalisations. First, official ulema are becoming more conservative and Islamist compared to their behaviour in the past. Second, they had been co-opted by the state during the authoritarian rules of Suharto and Mahathir, but MUI has been more assertive and powerful vis-à-vis their respective states in the competitive political environments after 1997.

The study also engages with theoretical debates in the field of comparative politics. It is particularly interested in interest-mediation models: pluralism, corporatism and state-in-society. The study deploys the concept "capture" as a way of building on Migdal's state-in-society approach, which is interested in states' and societies' construction of authority vis-à-vis one another. My research demonstrates how official ulema can capitalise from their co-opted positions by influencing public policy in their favour; affecting appointments of state personnel; enhancing their authority to make religious, social, and political pronouncements; and accessing material and other resources to achieve personal material goals.

I argue that Suharto's and Mahathir's co-optation strategies shaped contemporary official ulema capture objectives. During the New Order period, MUI's role was limited to issuing fatwas and explaining national policies to the masses, and doing strictly what the government wanted. Since 1997, MUI wanted Indonesian laws to recognise its role in Islamic economics, halal certification, and public morality. In contrast, since the 1980s, the Mahathir government has entrusted Malaysian official ulema with these roles. The ulema had much wider scope for action and influence right from the start. However, since the Abdullah Badawi government (2003-2009) came to power, they have claimed exclusive rights to interpret the state's ideology; appeal for the right to define Islam; and seek to fulfil other material interests.

I also contend that the Malaysian official ulema's capture of the state has proceeded much further than that of their Indonesian counterparts. Three modalities explain Malaysian ulema's relative success: they have a clear institutional role, a coherent ideology, and organisational unity. The Malaysian ulema have maximised their capture ability by successfully projecting themselves as the unassailable defenders of Islam, Malay supremacy and Malay rulers, paralleling the ruling party, UMNO's, ideology. The absence of these factors in MUI—a reflection of its organisational fragmentation—impeded its capture of the state as evidenced in its failed bid to monopolise the sharia economy, halal-certification, and authority to define "deviants." However, MUI's persistence in lobbying for an alternative Islamic order, through promoting programmes such as sharia tourism, sharia cinema, and sharia entertainment, demonstrates a capture in progress, rather than a failed capture.

ABBREVIATIONS AND ACRONYMS

ABIM	Angkatan Belia Islam Malaysia (Islamic Youth Movement of Malaysia)
ACA	Anti-Corruption Agency
AGC	Attorney General's Chambers
AHFS	Australian Halal Food Services
AIC	Andalusia Islamic Centre
AKKBB	Aliansi Kebangsaan untuk Kebebasan Beragama dan Berkeyakinan (Nationalist Alliance for Religious Freedom and Belief)
AKP	Turkish Justice and Development Party
Aliran	Persatuan Aliran Kesedaran Negara (National Awakening Movement)
ASM	Amanah Saham Nasional (National Trust Fund)
ASB	Amanah Saham Bumiputera (Bumiputera Trust Fund)
ASWJ	Ahlus Sunnah Wal Jamaah (Sunni Islam)
BAHEIS	Bahagian Hal Ehwal Islam (Islamic Affairs Division)
BAIS	Badan Intelijen Strategis (Indonesian Military Intelligence)
Bakorpakem	Badan Koordinasi Pengawas Aliran Kepercayaan Masyarakat (The Coordinating Board for Monitoring Mystical Beliefs in Society)
BAMUI	Badan Arbitrase Muamalat Indonesia (Indonesian Islamic Arbitral Tribunal)
BAYARNAS	Badan Arbitrase Syariah Nasional (Indonesian National Shariah Arbitration Board)
Berjasa	Barisan Jemaah Islamiah Se-Malaysia (Pan-Malaysian Islamic Front)
BERSIH	Gabungan Pilihanraya Bersih dan Adil (Coalition for Free and Fair Elections)

BHNU	Badan Halal Nahdlatul Ulama (Nahdlatul Ulama Halal Body)
BN	Barisan Nasional (National Front Coalition)
BPH-DSN	Badan Pelaksana Harian Dewan Syariah Nasional (Executive Board National Shariah Board)
BPJPH	Badan Penyelenggara Jaminan Produk Halal (Halal Accreditation Body)
BPN2H	Badan Nasional Produk Halal (National Body of Halal Products)
BSM	Bible Society of Malaysia
BSN	Badan Standardisasi Nasional (National Standardization Body)
Darul Arqam	House of Arqam
DDII	Dewan Dakwah Islamiyyah Indonesia (Indonesian Islamic Dakwah Foundation)
Ditjen Bimas Islam	Direktorat Jenderal Bimbingan Islam (Directorate for Islamic Guidance)
Ditjen Haji	Direktorat Jenderal Penyelenggaraan Haji Dan Umrah (Directorate for Haj and Umrah)
Ditjen Pendis	Direktorat Jenderal Pendidikan Islam (Islamic Education Directorate)
DPR	Dewan Perwakilan Rakyat (Indonesian Legislative Assembly)
DPRD	Dewan Perwakilan Rakyat Daerah (Indonesian Regional Legislative Assembly)
DPS	Dewan Pengawasan Syariah (Shariah Supervisory Board)
DSN-MUI	Dewan Syariah Nasional (National Shariah Board)
Forum Demokrasi	Democratic Forum
FPI	Front Pembela Islam (Islamic Defender's Front)
FUI	Forum Umat Islam (Islamic Forum)
GAM	Gerakan Aceh Merdeka (Free Aceh Movement)
GDP	Gross Domestic Product

GERAKAN	Malaysian People's Movement Party
GMM	Global Movement of Muslim Moderates Foundation
Golkar	Golongan Karyawan (The Party of Functional Groups)
GTIS	Golden Traders Indonesian Shariah
GUPPI	Gabungan Usaha Perbaikan Pendidikan Islam (Coalition for the Improvement of Islamic Education)
HINDRAF	Hindu Rights Action Force
HMI	Himpunan Mahasiswa Indonesia (Muslim Tertiary Students Association)
HTI	Hizbut Tahrir Indonesia (Liberation Party of Indonesia)
ICMI	Ikatan Cendekiawan Muslim Indonesia (Indonesia Association of Muslim Intellectuals)
IDI	Indonesian Doctors Association
IFC	Suruhanjaya Antara Agama (Inter-faith Council)
IIUM	International Islamic University of Malaysia
IKIM	Institut Kefahaman Islam Malaysia (Malaysian Institute for Islamic Understanding)
ILMU	Ulama Muda UMNO (UMNO Ulama Youth)
INDAH	Institusi Dakwah dan Latihan Islam (Dakwah Institution and Training)
ISA	Internal Security Act
Islam Hadhari	Islamic Civilisation
ISMA	Ikatan Muslimin Malaysia (Malaysia Muslim network)
ISTAC	International Institute of Islamic Thought and Civilization
ITB	Bandung Institute of Technology
JAIN	Jabatan Agama Islam Negeri (State Islamic Religious Department)
JAIPK	Jabatan Agama Islam Perak (Perak Islamic Department)
JAIS	Jabatan Agama Islam Selangor (Selangor Islamic Religious Department)

JAKIM	Jabatan Kemajuan Islam Malaysia (Department of Islamic Development Malaysia)
JATI	Jalur Tiga: Islam, Melayu dan Raja (Three Streams: Islam, Malays and Royalty)
JAWI	Jabatan Agama Islam Wilayah Persekutuan (Religious Department for Federal Territories)
JI	Jemaah Islamiah
JIL	Jaringan Islam Liberal (Liberal Islam Network)
JKF-MKI	Jawatankuasa Fatwa MKI (National Fatwa Committee)
KAN	Komite Akreditasi Nasional (National Accreditation Committee)
KEN	Komite Ekonomi Nasional (National Economic Committee)
Keadilan	Malaysia's Justice Party
Kemenag	Kementerian Agama Indonesia (Indonesian Religious Ministry)
KLI	Komando Laskar Islam (Islamic Para-military Command)
Kosmos	Komunikasi Sosial (Social Communication)
KPK	Komisi Pemberantasan Korupsi (Corruption Eradication Commission)
KWI	Konferensi Walinegara Indonesia (Bishops Conference Indonesia)
LDII	Lembaga Dakwah Islam Indonesia (Indonesian Institute of Islamic Preachers)
LDK	lembaga Dakwah Kampus (Campus Dakwah Body)
LEPAI	Lembaga Penyelaras Pelajaran dan Pendidikan Agama Islam (Council for Standardisation of Islamic Teaching and Education)
LIPPI	Lembaga Penelitian dan Pengkajian (Islamic Research and Study Institute)
LPPOM-MUI	Lembaga Pengkajian Pangan Obat-Obatan dan Kosmetika Majelis Ulama Indonesia (The Assessment Institute for Food, Drugs, and Cosmetics)
LPPPQ	Lembaga Pengawasan dan Perlesenan Pencetakan Al-Quran (Quran Printing Control and Licensing Board)

LSF	Lembaga Sensor Film (Film Censorship Board)
MAIAMP	Majlis Agama Islam dan Adat Melayu Perak (Perak Council for Islam and Malay Culture)
MAIJ	Majlis Agama Islam Negeri Johor (Johor Islamic Religious Council)
MAIK	Majlis Agama Islam Kedah (Islamic Religious Council of Kedah)
MAIM	Majlis Agama Islam Melaka (Islamic Religious Council of Malacca)
MAIS	Majlis Agama Islam Selangor (Islamic Religious Council of Selangor)
MAIWP	Majlis Agama Islam Wilayah Persekutuan (Islamic Religious Council for Federal Territories)
MCCBCHST	Malaysian Consultative Council of Buddhist, Christianity, Hindusim, Sikhism, and Taoism
MIFC	Malaysia Pusat Kewangan Antarabangsa (Malaysia International Islamic Financial Centre)
MIHAS	Malaysia International Halal Showcase
MKI	National Council for Islamic Religious Affairs Malaysia (Majlis Kebangsaan Bagi Hal Ehwal Ugama Islam)
MMI	Majelis Mujahidin Indonesia (Indonesian Mujahidin Council)
MONAS	National Monument Indonesia
MPR	Majelis Permusyawaratan Rakyat (People's Consultative Assembly)
MPS	Majlis Penasihat Syariah (Syariah Advisory Council)
MUI	Majelis Ulama Indonesia (Ulama Council of Indonesia)
MUIS	Majlis Ugama Islam Singapura (Islamic Religious Council of Singapore)
MUNAS	Musyawahar Nasional (National Assembly)
Musawah	Global Musawah Movement
NGO	Non-Government Organizations
NU	Nahdlatul Ulama (Revival of the Ulama)

ORMAS	Organisasi kemasyarakatan (Societal Organisations)
PAN	Partai Amanat Nasional (Indonesian National Mandate Party)
Pancasila	Five Principles (Indonesia's State Ideology)
PAP	People's Action Party
Parmusi	Partai Muslimin Indonesia (Indonesian Muslims Party)
PAS	Parti Islam Se Malaysia (Islamic Party of Malaysia)
Perkasa	Pertubuhan Pribumi Perkasa Malaysia (Malaysian Glorious Indigenous Association)
Persis	Persatuan Islam Indonesia (Islamic Association in Indonesia)
PERTI	Pergerakan Tarbiyah Islamiyah (Islamic Preaching Movement)
PGI	Persekutuan Gereja-Gereja Indonesia (Communion of Churches Indonesia)
PHDI	Parisada Hindu Dharma (Indonesian Hinduism Society)
PKB	Partai Kebangkitan Bangsa (National Awakening Party)
PKR	Parti Keadilan Rakyat (Peoples' Justice Party of Malaysia)
PPP	Parti Persatuan Pembangunan (United Development Party)
PR	Pakatan Rakyat (Peoples' Alliance)
PSII	Partai Syarikat Islam Indonesia (Indonesian Sarekat Islam Party)
PUI	Persatuan Ulama Indonesia (Ulama Organisation Indonesia)
PUM	Persatuan Ulama Malaysia (Ulama Association Malaysia)
Quango	Quasi-autonomous non-governmental organisation
SBY	Susilo Bambang Yudhoyono
SC	Suruhanjaya Sekuriti Malaysia (Securities Commission Malaysia)
SDSB	Sumbangan Olah Raga Berhadiah (Sports Contribution with Prizes)
SIS	Sisters in Islam
SKB	Surat Keputusan Bersama (Joint Ministerial Decree)

SSB	Syariah Supervisory Board
SSM	Suruhanjaya Syarikat Malaysia (Companies Commission Malaysia)
SUARAM	Suara Rakyat Malaysia (The Voice of Malaysians)
TURUN	Gerakan Turun Kos Sara Hidup (Movement to Reduce Living Costs)
UI	Universitas Indonesia (University of Indonesia)
UGM	Universitas Gajah Mada (Gajah Mada University)
UKM	Universiti Kebangsaan Malaysia (National University of Malaysia)
UM	Universiti Malaya
UMNO	United Malays National Organization
USM	Universiti Sains Malaysia (Malaysian Science University)
USIM	Universiti Sains Islam Malaysia (Malaysian Islam and Science University)
UUM	University Utara Malaysia (Northern University of Malaysia)
UiTM	Universiti Teknologi Mara (Mara Technological University)
Walubi	Perwalian Umat Buddha Indonesia (Federation of Buddhist Representatives)
Wanita UMNO	UMNO Women's Wing
Wantimpres	Dewan Pertimbangan Presiden (Presidential Advisory Council)
WHF	World Halal Foundation
YADIM	Yayasan Dakwah Islam Malaysia (Islamic Da'wah Foundation Malaysia)

A NOTE ON TRANSLATION, SPELLING, AND OTHER CONVENTIONS

This study relies on primary materials that are written in the Malaysian and Indonesian language or are translations of *Quranic* verses and *Hadith* in Malay. Quotes and interviews originally written or spoken in the Malay language are translated into English by the author.

The plural forms of Arabic terms are mostly retained. The only exception is the term *ulema* (religious scholars). The term *ulema* in Arabic is the plural for *Alim*. However, in Malay usage, the term *ulema* refers to both singular and collective. Thus, the term “ulema” in this thesis refers to both singular and plural forms. The plural form of other Islamic terms will be indicated with an ‘s.’ Hence, the term *Shias* refers to the plural form for *Shia*, and *pesantrens* as the plural for *pesantren*. The plural for *mufti* is *muftis*.

The term “state” is widely used here. State in this study mainly refers to government. The Indonesian state refers to its central government. Provincial and district governments are *daerah*. Similarly, the Malaysian state refers to the Federal government (Kerajaan Persekutuan). To avoid confusion, local governments or state legislatures (such as Johore, Pulau Pinang and Sarawak) are identified as *negri* governments.

Non-English terms shall be *italicised* when first introduced. However, subsequent use of the same terms will not be italicised. The only exception to this rule is the term “*negri*” which will be italicised throughout the text. The term *negri* is italicised to emphasise that I am referring to the local state.

Direct quotes will be indicated with double open and close inverted commas (“...”) and quotes within a quote with single open and close inverted commas (‘...’). Quotes with more than three lines will be indented.

The spelling *syariah* is used to refer to Islamic law instead of *syariah*, *syaria* or *sharia*. However, these spellings are retained if they are originally used to refer to institutions or organisations such as Dewan Syariah Nasional and Syariah Supervisory Board.

Malay and Indonesian authors are identified by the first names, not their surnames. Hence, Farish A Noor is cited as “Farish” rather than “A Noor,” and Chandra Muzaffar is as “Chandra” rather than “Muzaffar.” However, Arabic names are treated the same manner as English names, and their family names are identified. For example Syed Naquib Al-Attas is cited as “Al-Attas” in a way Andree Feillard is cited as “Feillard.” Academic and religious titles are not attached to the names. Hence, Professor Nasaruddin Umar will be identified as Nasaruddin Umar, and Kyai Haji Said Aqil Siroj will be identified as Said Aqil Siroj, and so on.

For Quranic translations, I refer to the text by Abdullah Yusof Ali, *The Meaning of the Holy Quran* (Kuala Lumpur: Islamic Book Trust, 1996). Where the translation is obtained directly from the interpretation from the religious elite themselves, these will be clearly indicated.

All monetary figures will be indicated in their original currencies for consistency. I will then convert figures into Australian Dollars and indicate them in brackets as (A\$).

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Chapter One

Introduction

The Setting

In 2004, the prominent Islamic studies scholar, Abdullah Saeed, noted the general decline in "official" ulema's legitimacy. He wrote, "The situation of the official ulema today... is perhaps worse than any time in Islamic history... it is a myth that the ulema today bestow substantial religious legitimacy on the modern nation state" (Saeed, 2004, p. 27).¹ By ulema, he was referring to Islamic scholars trained in the religious sciences. They read subjects such as law (*fiqh*), exegesis (*tafsir*), theology (*kalam*), and the traditions of the Prophet (*hadith*). Official ulema refer to religious scholars working in the bureaucracy or state-sponsored institutions (Saeed, 2004, p. 14). According to Saeed, the increase in states' control over Islamic institutions such as endowments, schools, and mosques has contributed to official ulema's decline in influence (p.22-24).

Saeed's opinion is consistent with how some Islamic studies scholars perceive the ulema. They characterise official ulema as having been co-opted by the state. They also deem official ulema "rubber stamps" and "lackeys" of ruling elites, surrendering independent theological judgment in exchange for material rewards and status.² These compromises contradict the ideal ascribed to ulema by the Prophet Muhammad, that they are religious scholars, guardians of the

¹ Turner (2008) also makes this argument, though he discusses the decline of both the official and non-official ulema's authority. Turner cites the rise of diaspora communities and the advent of new media as the reasons for ulema's decline. See Turner, 2008.

² See Walid's (2012) MA thesis on the Singapore official ulema. I will also be discussing other works, such as Bligh (1985), Kechichian (1986), Khuri (1987), and Ghozzi (2002) that imply official ulema's co-optation in Chapter Two.

faith, heirs of the prophet, and voices of the *ummat* (religious community).

In the Middle East, it is doubtful whether official ulema can issue religious rulings independently of the state. For example, prominent Qatar-based jurist Yusuf Al-Qardawi (b.1926) questioned the ability of Al-Azhar ulema, including Sayyid Tantawi (b.1928-d.2010), to rule independently of the state (Skovgaard-Petersen, 1997, p. 186; 2009, p. 44).³ Tantawi spent almost three decades as an official ulema: the Grand Mufti of Egypt (1986-1996) and the Rector of the Al-Azhar University (1996-2010). Al-Qardawi accused Tantawi as having been co-opted by then-President Hosni Mubarak to serve in state-sponsored institutions. Al-Qardawi preferred Muslim scholars to elect democratically the Rector of Al-Azhar University to serve the *ummat* (Bayoumi, 2010).⁴ Al-Qardawi was not alone in criticising Tantawi's co-optation. Ebrahim Moosa, professor of Islamic studies at Duke University, remarked that "Tantawi was not only pro-Western, he was often pro-authority and did his best to satisfy such authority, even if it meant that he had to cut corners with the body of ethical and moral rulings in Islamic teachings" (Graham, 2010).

This study asks if the perception of ulema as co-opted by the state applies to contemporary official ulema in Indonesia and Malaysia. Prominent religious elites in Malaysia and Indonesia have expressed their doubts about official ulema's autonomy. Tok Guru Nik Aziz Nik Mat, a veteran Malaysian ulema and politician from PAS (Parti Islam se-Malaysia or Islamic Party of Malaysia),

³ The Egyptian state appoints the Grand Mufti of Egypt and the Rector of Al-Azhar University.

⁴ Similarly, the life stories of classical jurists challenging their despotic rulers evoke the standards of the ideal religious scholar. For instance, the Sunnis often hail classical jurist Ibn Hanbali (d. 855) as "protector of the faith." Ibn Hanbali chose imprisonment rather than altering his theological position as instructed by the authoritarian Abbasid Caliph Ma'mun (d.833).

signalled his reservations about official ulema.⁵ He felt that ulema should be dictating political affairs and not taking orders from ruling elites (*umara*), namely politicians from UMNO (United Malays National Organisation). Similarly, Said Aqil Siroj, the General Chairman of Indonesia's NU (Nahdlatul Ulama or Revival of the Ulema), questioned official ulema's legitimacy. Referring to the MUI (Majelis Ulama Indonesia or Ulama Council of Indonesia), Said Aqil remarked

In the past, Suharto expected MUI to protect his authority. MUI represented many members from different organisations to defend Suharto. Now [after the downfall of Suharto], MUI functions differently. However, MUI is still part of the government, and obtains their budget from them. The genuine ulema, as defined in the Quran, are not from MUI, but from the *ormas* [*organisasi kemasyarakatan* or civil organisations] such as NU and Muhammadiyah.⁶

Said Aqil added, "Don't expect an institution under the government to expand. The state controls MUI. The ulema in NU are independent. The state does not control our thoughts. We are free to speak on matters based on our principles."⁷

Such negative perceptions of official ulema do not only apply to Indonesia and Malaysia, but also to neighbouring authoritarian Singapore, a state similar to Indonesia under Suharto (1966-1998) and Malaysia under Mahathir (1981-2003).⁸ The biography of Syed Isa Semait, the former mufti of Singapore, depicts the Singapore Malay/Muslim community's suspicion of official ulema in MUIS (Majlis Ugama Islam Singapura or Islamic Religious Council of

⁵ Interview with Nik Abdul Aziz Nik Mat, former Kelantan Chief Minister and Spiritual Guide (*mursyidul am*) of PAS, 7 April 2013. Nik Aziz shared his views on not wanting to be a mufti. He said, "I am continuing the task of the Prophet Muhammad, and not serving in institutions that form part of the colonial legacy." Nik Aziz was still the Chief Minister of Kelantan at interview. He stepped down after the general elections in May 2013.

⁶ NU and Muhammadiyah are two of the largest *ormas* (societal organisation) in Indonesia. All *ormas* have to register under the *ormas* regulation (RUU Ormas) Law No. 8/1985.

⁷ Interview with Kiai Haji Said Aqil Siroj, Chairman of Nahdlatul Ulama (NU), 2 March 2013. During the interview, he was very critical of MUI, despite being a member the MUI advisory board.

⁸ The PAP (People's Action Party) has governed Singapore since 1959.

Singapore).⁹ The few lines from the former mufti's biography below demonstrate public perception of state co-optation

The lack of trust had been the biggest challenge for MUIS in its founding days. Staff who had worked in MUIS in the early days recalled meeting neighbours in the *kampung*s (villages) and hearing the descriptions like *pengampu kerajaan*—that they were the “stooge of government.” Haji Salim Samat, for many years the driver for MUIS, once recalled how his predecessor had had unpleasant things thrown at the MUIS van. And the Mufti himself had experienced his share of verbal criticism. It had not been easy (Syed Zakir, 2012, p.166).

Research objectives and central questions

This study compares the religious and political behaviour of the official ulema in contemporary Indonesia and Malaysia. The common perception of official ulema is that they surrender their authority to the states' ruling elites in exchange for status, prestige and salaries. However, recent scholarship on Islamic religious authority, such as Hatina (2009b) and al-Atawneh (2009), have questioned the notion of official ulema as passive. These works, which will be discussed in Chapter Two, suggest that official ulema are not as passive as perceived. Comparative politics debates, which propose that the relationships between states and societal actors are complex, strengthen the need to rethink official ulema's behaviour. States may not be as dominant in society as co-optation theorists suggest. On the contrary, official ulema can transform into a dynamic social group utilising instruments entrusted to them by the state to: strengthen their own authority; fulfil their personal and material interests; and lobby for their personal or group's agenda that may counter the states' core values. Official ulema adopt strategies that amount to what I define as “capture.”

⁹ MUIS is a statutory board formed by the Singapore government to administer Islamic affairs for the minority Singaporean Muslim community. The mufti is the highest state-appointed religious leader by the President of the Republic.

This study has two central questions. First, as the Indonesian and Malaysian states strive to co-opt official ulema; in what ways have the official ulema managed to capture parts of their respective states? Second, has the increase in political competition since the 1997 Asian financial crisis led to stronger or weaker state capture? In answering these questions, I engage with existing studies on official ulema in Indonesia and Malaysia as well as theoretical debates in the field of comparative politics, with focus on a number of official ulema institutions at the national level. The state authorises these institutions to make religious pronouncements in the form of *fatwas* (Islamic legal opinions). For Indonesia, I focus on the MUI (Majelis Ulama Indonesia or Ulama Council for Indonesia);¹⁰ and for Malaysia, the JKF-MKI (Jawatankuasa Fatwa Majlis Kebangsaan Bagi Hal Ehwal Ugama Islam or National Fatwa Committee),¹¹ JAKIM (Jabatan Kemajuan Islam Malaysia or Department of Islamic Development Malaysia), and IKIM (Institut Kefahaman Islam Malaysia or Institute of Islamic Understanding Malaysia). Throughout this study, the term "state" refers to the central government of Indonesia and the federal government of Malaysia. In the case of Indonesia, I refer to local governments as the *provinsi* (provincial) or the sub-provincial level *kabupaten/kota* (districts), while for the case of Malaysia, the local governments are referred to as the *kerajaan negeri*.¹²

¹⁰ Popular preachers, mosque leaders and religious teachers deem MUI as Indonesia's Islamic legal authority. During my fieldwork, Professor Quraish Shihab, a prominent Indonesian ulema, directed me to MUI when I approached him for an interview. Quraish declined an interview because he regarded MUI members as more relevant to my study on official ulema.

¹¹ JKF-MKI is a department within a federal institution, MKI (Majlis Kebangsaan Bagi Hal Ehwal Ugama Islam Council for Islamic Religious Affairs Malaysia). While MKI oversees Islamic administration of the whole country, it is not an ulema institution. The Malaysian prime minister chairs the council. In contrast, the ulema makes up the membership of the JKF-MKI.

¹² Malaysia adopts the federal government structure. In Malaysia, the state government is commonly referred as the *kerajaan negeri*.

The study acknowledges at the outset that MUI and JKF-MKI are not direct comparisons. The two institutions differ in terms of origins, functions, structure and their relations with regional branches. The level of funding the two institutions receive from their respective states also varies considerably, with JKF-MKI receiving from the Malaysian government multiple times more than MUI obtains from the Indonesian government. However, these differences do not invalidate comparing Indonesian and Malaysian official ulema and their institutions. First, the aspects selected for comparison are broadly similar; they include departments related to fatwa production, Islamic economics, halal certification, and public morality. The study also considers Malaysia's JAKIM and IKIM as official ulema institutions, and they will be analysed together with JKF-MKI. The combined roles of these Malaysian institutions are comparable to those of MUI's in the aforementioned aspects.

Second, the purpose of comparison is to understand the capture process in each of the two countries. The study demonstrates how ulema have used platforms provided to them by the state to influence the state. In fact, the very differences found in these institutions—in the form of funding, function, structure, membership—explain different types of capture. Central to the study's argument is that, compared to their Indonesian counterparts, the Malaysian ulema can capture the state more effectively because their institutional roles are clearly defined. Therefore, the dissimilarity of the MUI and JKF-MKI does not affect the main arguments of the study. I will revisit the significance of comparing MUI with JKF-MKI, JAKIM and IKIM in greater detail in Chapter Three.

Conceptual tools: measuring co-optation and capture

This study applies the concepts co-optation and capture to describe the dynamic between states and official ulema. Both concepts measure the ability of each group to influence, resist, and/or capitalise on one another. Political science and sociology scholars use the concept co-optation to describe the behaviour of states or ruling elites (Bertocchi & Spagat, 2001; Gandhi & Przeworski, 2006; Selznick, 1948). Co-optation refers to a state's strategy to neutralise oppositional voices. It is also a strategy to entrench its legitimacy in the eyes of its citizens.¹³ Selznick conceptualised co-optation as a mechanism of adjustment, a process "of absorbing new elements into the leadership of policy-making or policy determining structure of organisation as a means of averting threats to its stability or existence" (cited in Krygier, 2012, p. 50; Selznick, 1948, p. 34).¹⁴ Although co-optation theorists do not deny that these new elements can also shape and influence policies, sometimes in ways that states do not anticipate, they do so in a peaceful manner by not challenging the tenets of the states' ideology. In co-optation, states cajole or discipline these new elements to abide by basic rules. States expect these new elements to influence policies from "within" rather than external agitation such as mass demonstration, protest, or rebellion. In return, the state provides these new elements with rewards and concessions that include, but are not limited to, salaries, contracts, and prestige. The strength of these new elements dictates the degree of rewards and concessions. According to Gandhi and Przeworski (2006), the greater the societal groups' threat towards the state, and the greater

¹³ Another study that has applied co-optation theory includes Bertocchi and Spagat (2001) examine how unstable governments in post-communist states give large benefits to a large number of beneficiaries, whereas stable governments give large benefits to small groups.

¹⁴ Note the different usage of the term co-optation and co-option. Co-option refers to the behaviour of the persons or groups who aligns himself/herself to the ruling elites. In contrast, co-optation refers to the process undertaken by the state.

the likelihood of rebellion, the larger the state concessions.

Bayat, a social anthropologist, coined the term "socialization of the state" to describe societal groups' co-optation of the state. He argues that states do not always achieve their objectives, and bow to societal pressure. Citing the example of how the Turkish public's desire for more civic liberties pressured the governing AKP (Turkish Justice and Development Party) to preserve secularism and democracy, Bayat contends that society need not take up arms to influence the state; rather, they can establish new lifestyle and new modes of "thinking, being, and doing things" (Bayat, 2010, p.251).¹⁵ The author goes so far as to suggest that the socialization of the state is "governmentality in reverse".

I introduce the concept of "capture" to fill this theoretical gap to describe the possible ways societal actors capitalise on state co-optation. Scholars of political economy have applied the concept capture to demonstrate the ways firms shape business rules and regulations in their favour. The targets of capture are monetary or fiscal policies. The aims of capture include the ability of firms to control legislative votes, to command key instruments of the state, to obtain favourable executive decrees and court decisions, and to establish important business connections. In capture, individuals, groups, firms in both public and private sectors aim to shift laws, regulations, decrees, and other governmental policies (basic rules of the game), to their own advantage (Yakovlev, 2006, p. 1036).

¹⁵ Selznick, who was the first sociologist to apply co-optation, made this point. In his book *TVA and the Grassroot: A Study in the Sociology of Formal Organization*, which he published in 1949, Selznick discussed how co-opted subjects behaved in ways contrary to those expected by the state. Individuals and sub-groups in co-optation structures formed networks and informal structures of communication that weakened the official chain of command. See Selznick, 1949, pp. 251-252.

In this study, I apply the capture concept to analyse official ulema's strategies to influence policies, laws, and distribution of resources. These strategies include directly lobbying politicians and civil servants, or indirectly influencing public opinion (through fatwas and other religious advisories). The following ideal measurements are used to illustrate what constitutes official ulema's successful capture and state co-optation: first, the extent to which they influence state policies as opposed to legitimising them; second, the extent to which they influence the appointments of state personnel as opposed to the state determining them; third, the extent to which state religious bureaucracies and institutions enhance ulema's authority as opposed to undermining it; fourth, the extent to which they monopolise discourse or counter the interests of the state as opposed to opinions determined by the state; and fifth, the extent to which ulema are able to access resources that help them achieve goals apart from state-provided benefits and concessions. I will elaborate upon these ideal measurements as part of the theory review in Chapter Two. In reality, the co-optation and capture dynamic is not a zero-sum game. A successful capture does not always amount to a failed co-optation. Furthermore, the object of co-optation and capture may also be different for separate cases. Thus, one should measure the extent of co-optation or capture in relative terms: what actors aim to achieve and they actually achieved.

The study refers to co-optation and capture as practices of states and societal actors, and this makes Migdal's work on the "state-in-society" approach relevant. Migdal (1988, p. 228) says that states and societies construct their authority vis-à-vis one another, and it is thus important to examine their

practices to dominate the other instead of the images they portray. Through studying states' practices, one can observe their struggles in exercising dominance over their respective societies. These struggles also apply to states political scientists characterise as "strong." In Migdal's view, the state is not a "centralised, unified organisation establishing pre-eminence over the population in a given territorial space" but rather every state's attempt to assert its power on society is bounded by limitations and resistance (Migdal, 2001a, p. 4). Migdal emphasises the factors that facilitate or hinder actors' influence.¹⁶ To build from Migdal's approach, I apply concepts of co-optation and capture to distinguish the practices of the states and official ulema respectively.

Argument

Both official ulema in Malaysia and Indonesia are trying to expand their powers but from different starting points and with contrasting successes. I argue that Suharto's and Mahathir's co-optation strategies during the Islamic resurgence period (from 1970s onwards) have shaped as well as constrained the degree to which the contemporary official ulema have been able to capture state institutions.¹⁷ MUI's and the Malaysian official ulema's contrasting capture objectives demonstrate this. Suharto has limited the role of MUI to issuing fatwas and translating national policies, but it now wants to greatly expand this, pushing for Indonesian laws to recognise its role in Islamic economics, halal certification, and public morality. In contrast, the Mahathir government entrusted

¹⁶ Migdal's state-in-society approach will be discussed further as part of the theory review in Chapter Two.

¹⁷ The Islamic resurgence movement will be discussed in Chapter Four. It is a period marked with rising piety and demands made by sections of the community for greater Islamisation in the public and private spheres.

Malaysian official ulema with these roles. After Mahathir's retirement in 2003, Malaysian official ulema want to expand their authority by retaining the power arrangement during his rule. Yet, they also claim exclusive rights to interpret the state's ideology in their favour; seek to fulfil personal and group material interests beyond the extent originally allocated by the state; and appeal for the right to define Islam. Nonetheless, I stress that these aims do not necessarily emerge out of their political, economic, or material interests, but genuine attempts to bring the state and ummat close to Islamic ideals.

When measured by their very own aims, as indicated in the official ulema's fatwas, writings, sermons and pronouncements, I contend that Malaysian official ulema's ability to capture the state is much greater than their Indonesian counterparts. In other words, MUI is struggling to achieve its objectives and facing an identity crisis in the post-New Order period. Three modalities of capture account for the Malaysian official ulema's relative strength: they have a clear institutional role; a coherent ideology; and organisational unity. Comparing official ulema's experience in the two countries also shows that there is no correlation between capture and state strength. This contradicts many works that point to MUI's increasing strength and assertiveness after the fall of the New Order. Conversely, after the 1997 financial crisis, Malaysian official ulema have been successful in their capture even though there has been no regime change.

Three modalities of Capture

I contend that the three modalities discussed below best explain the contrasting outcomes of official ulema's capture. These variables are stronger in the Malaysian case than the Indonesian one. First, the Malaysian constitution

clearly recognises the roles of official ulema institutions. The institutional and legal demarcation of authority between official ulema institutions and the state is also clearer in Malaysia compared to Indonesia.¹⁸ According to Article Three of the Malaysian Federal Constitution, the powers of the official ulema are limited to the religious councils of each *negeri*.¹⁹ Nonetheless, when Mahathir became prime minister in 1981, his government (UMNO) undertook significant reforms that consolidated the powers of official ulema at the federal level.²⁰ In 1992, the government established IKIM, and later strengthened the powers of JAKIM in 1997.²¹ These federal institutions were accorded authority in areas such as halal certification, issuing standard sermons for Friday prayers, management of Haj pilgrims, research, and censorship. In contrast, the Suharto government did not accord MUI similar powers to these Malaysian institutions. Formed in 1975, MUI's main role was to translate the concepts of national development (Departemen Penerangan R.I, 1975). MUI's fatwas are not legally binding; the state and Muslim citizens can choose whether or not to heed them. During the New Order, MUI fatwas generally did not contradict state ideology. Moreover, Kemenag (Kementerian Agama or Religious Ministry) continues to have executive power over important aspects of Islamic affairs such as Islamic education, Haj, research and training. As I will argue in this study, Suharto's and

¹⁸ This clear demarcation is derived from British colonialism. The separation of powers between the state, Malay rulers, and official ulema at the federal level, and the *negeri* levels, started during the colonial era. This arrangement continued after Malaya gained independence in 1957. For discussion on Malayan constitution prior to Malayan independence, see Fernando, 2006 and Abdul Aziz, 2013.

¹⁹ Article Three of the Malaysian Federal Constitution stipulates that Islam is the religion of the federation, but the administration of Islam is a state (*negeri*) matter. The Malay rulers are the Head of Islam of their respective *negeri*.

²⁰ In 1988, the shariah court system was empowered, enlarged, and equipped with an administration independent from the Islamic religious councils and the office of mufti (Maznah, Zarizana, & Sim, 2009, pp. 65-66). From 1988, the civil courts cannot hear cases related to Muslim family laws and religious matters, which fall under the jurisdiction of the shariah courts.

²¹ The roles and functions of JAKIM and IKIM will be discussed in Chapter Three.

Mahathir's different treatments of official ulema shaped and constrained their capture aims and strategies up until today.

Second, the Malaysian official ulema are better at aligning their interests around the ideology of the ruling elites compared to those from MUI. The Malaysian ulema claim to be the defenders of the five principles of the Rukunegara: Belief in God; loyalty to King and country; upholding the constitution; sovereignty of the law; and behaving well and morally. Defending the Rukunegara is crucial for Malaysian ulema, as it legitimises the very institutions they occupy. They are also ardent supporters of UMNO's ideology. UMNO slogans *ketuanan Melayu* (Malay supremacy), *Wawasan 2020* (Vision 2020), *Islam Hadhari* (Civilisation Islam), and *Islam Wasatiyyah* (Moderate Islam) feature regularly in their sermons, writings and discourse. Those same ulema also rely on the patronage of the Malay rulers to assert their authority. In contrast, MUI was unable to use the Indonesian state's ideology Pancasila to its advantage. The religiously neutral philosophy underlying Pancasila restricted MUI from using Islam as a rallying point to align its interest with the state's. Pancasila stands for: belief in Almighty God, the sovereignty of the people, national unity, social justice, and humanity. Though vague, Pancasila constrains Indonesians from advancing their interests on religious grounds. In fact, even today, some MUI members want to adopt shariah as the organisation's ideology. According to MUI secretary, Ustaz Isa Anshary, "MUI has a general principle (*pedoman dasar*), it is no longer Pancasila. Compare Pancasila and Islam, Islam is bigger."²²

²² Interview with Isa Anshary, MUI Secretary, 6 December 2012.

Third, the capacity of the Malaysian official ulema to exercise collective responsibility and elite cohesion is better than their Indonesian MUI counterparts. Malaysian official ulema unite when dealing with the state. This ulema unity was evident during the latter part of the Abdullah Badawi government (2003-2009). The official ulema also have the option of co-operating with UMNO, and/or the Malay rulers, and even the opposition, depending on which circumstances favoured them. In contrast, orientational and ideological differences among MUI members weakened the institution's ability to capture. Members with different religious outlooks, aims, and interests influence the organisation in different ways. Frequently, there is public disagreement between MUI leaders. Internal rivalry and bickering has also weakened the institution.

Caveats to the argument

I present my argument and the three types of capture above with several qualifications. I acknowledge that there are other possible intervening variables that contribute to the co-optation/capture dynamic in both countries. These factors include *inter alia* contrasting political cultures, geography and population sizes. Yet, these stark demographic and geographical differences should not hinder comparison of both countries, since the focus here is on actors and institutions at the national level of both countries. In addition, the presence of the Malay rulers gave Malaysian ulema another equally powerful patron able to counter-balance the state's influence. Monarchical institutions survived in Malaysia but not in Indonesia, except Yogyakarta province, where the Sultan of

Yogyakarta is automatically the governor.²³ The nine Malay rulers remain the titular heads of Islam and Malay culture of their *negeri*, and their institutions were retained during British colonial rule (Amoroso, 2014).²⁴ Hence, there is another layer of authority in Malaysia, the Malay rulers, when it comes to the administration of Islam. They are the pre-eminent authority and final arbiter on religion in the country. There are no alternative patrons available to MUI, because NU and Muhammadiyah tend to see MUI as a rival. It has to rely on society's support to offset the state's influence.

I am also not implying that the Malaysia ulema's case is a complete success and MUI's an utter failure. The objectives and strategies of co-optation and capture differ in both countries (Jessop, 2008).²⁵ The Malaysian ulema's success is measured in relative terms in comparison to MUI's. Thus, Indonesian and Malaysian official ulema capture should be analysed as "works in progress." However, the bigger interest in understanding co-optation and capture processes is how these processes affect governance, discourse, and security. Understanding these processes would allow me to re-visit existing conclusions made in the literature about official ulema.

²³ The province of Solo also has a Sultan, but he acts more as a symbolic ruler than having any political power.

²⁴ Being titular and symbolic heads does not mean their power in these areas are insignificant for there are instances where they speak in ways that symbolizes their leadership and power in these areas.

²⁵ I refer to Jessop's "strategic-relational" approach in understanding the contrasting strategies states adopt in response to society.

Significance of history in comparing Indonesia and Malaysia

Given the two countries' proximity and shared history, political scientists, economists and sociologists are attracted to comparative studies on Indonesia and Malaysia (some examples are Alatas, 1997; Hadiz & Teik, 2011; Pepinsky, 2009; Preston, 2012; Ufen, 2009). Geddes (1990), however, cautions against selecting cases for comparison based on dependent variables (or conclusions). Selecting cases based on dependent variables, Geddes warns, biases our findings (p.149). Delineating common denominators underlying cases with similar outcomes may ignore the fact that the same denominators can also exist in cases with different outcomes. Therefore, I avoid selecting cases based on the conclusions made by existing literature. Had I relied on the existing literature, I would have concluded that MUI's capture had been more successful than the JKF-MKI, and I would have designed my fieldwork to look for factors that contribute MUI's success and Malaysian official ulema's failures.

Instead, I selected Indonesia and Malaysia as case studies based on what I see as plausible independent variables that could explain contemporary official ulema's behaviour, without discounting other variables. One plausible variable is how different regime types empower ulema institutions. MUI was formed under an authoritarian, repressive government while the Malaysian ulema institutions were established under a pseudo-authoritarian government. Suharto did not accord Indonesian official ulema institutions powers and sought to maintain the country's religiously neutral philosophy Pancasila. Evidently, Indonesia's banking regulations did not specify MUI's role until 2008. After struggling for almost a decade, it was only in 2014 that MUI's role in halal certification is formally recognised by the state and DPR (Dewan Perwakilan

Rakyat or Indonesian Legislative Assembly).²⁶ In contrast, Mahathir delegated a substantial amount of power to these official ulema institutions. His government either created new institutions (such as IKIM) or empowered existing ones (JKF-MKI and JAKIM). JAKIM was elevated to undertake most of the state's Islamic administration: including halal certification, Islamic banking and finance, censorship, and issuing the list of religious speakers for Federal mosques, and for *ceramah* (sermon) schedules.

The reasons for the two states' differential treatment of official ulema will be explored in Chapter Four. In summary, Mahathir had to make more concessions to official ulema than Suharto. In the 1970s, there were already numerous channels for ulema to oppose the state in Malaysia but few in Indonesia. In Malaysia, the ulema had PAS to voice their opposition to the state; and while in Indonesia ulema had the PPP (Partai Persatuan Pembangunan or United Development Party) as a political vehicle to oppose the state, the party was weakened by internal conflicts (to be discussed in Chapter Five). Suharto ensured that PPP remained weak by constantly intervening in its internal affairs, threatening to cut its funding if it opposed the government, and marginalising outspoken ulema in the party.

These contrasting strategies stand out from the many similarities both cases have. Both governments were strong and efficient states; had to respond to global Islamic resurgence movement from the 1970s onwards; experienced splits within the ruling elite in the 1980s; co-opted ulema, influential Islamic intellectuals, and activists to support their industrialisation and nation-building

²⁶ MUI's success and struggles in capturing the state shall be discussed in Chapter Six. In that chapter, I shall also discuss topics such as the halal economy, halal certification, and other Islamic enterprises.

objectives; built institutions and implemented state-led Islamisation policies; and were generally weakened after the 1997 Asian financial crisis.²⁷ The decision to compare the two cases follows on from Bara's (2009) argument that: "Comparative political analysis aims at providing a more scientific basis of study of political institutions and behaviour, and to avoid unsubstantiated generalisations which will prevent results of such investigations from being regarded as reliable" (p.42).

Because I see Suharto's and Mahathir's policies as making important contributions to contemporary ulema's behaviour, re-visiting both countries' last 40 years of history is important to understand why Suharto and Mahathir accorded these roles and powers to ulema institutions.²⁸ My approach is in line with what Pierson (2003) refers to as "slow-moving" processes, where the impact of social processes can be observed only in the long run (p.189). According to Pierson, since many important social processes take considerable time to unfold, researchers may ignore many important variables if they attempt to explain causality by only observing recent events (p.178).

The study underlines two vital contexts that explain the co-optation/capture dynamic: the Islamic resurgence movement of the 1970s to the 1990s; and the Asian financial crisis in 1997. Since the 1970s, there has indeed been a marked shift in religious orientation amongst the ummat towards conservatism. This

²⁷ I do not deny that the degree of these similarities varies. For example, Malaysia was not as authoritarian as Indonesia. Islamic resurgence influenced Malaysia greater than Indonesia. In addition, after the Asian financial crisis, UMNO remained in power while the Golkar collapsed. All these similarities will be discussed in Chapters Four and Five.

²⁸ Even though the study focuses on both countries' history since the 1970s, I do not discount the significance of historical events throughout the last century and how they contributed to the contemporary official ulama institutions. For comprehensive account of the history of Indonesia and Malaysia, see Andaya, 2001; Azyumardi, 2006; Gullick, 1969; Pringle, 2010; Ricklefs, 2008).

shift has resulted in a global Islamic resurgence movement (see for example Chandra, 1987; Nagata, 1984; Zainah, 1987), a subject that will be dealt with separately in Chapter Four. Islamic resurgence refers to the endeavour by groups to "re-establish Islamic values, Islamic practices, Islamic institutions, Islamic laws, indeed Islam in its entirety, in the lives of the Muslims everywhere" (Chandra, 1987, p. 2). These groups sought to "re-create an Islamic ethos and an Islamic social order guided by the Quran and the sunnah, in line with the Quranic ideal that 'Islam is a way of life' or *ad-deen*" (Chandra, 1987, p. 2). This phenomenon shows the interconnectedness of global Islamic discourse with those in Indonesia and Malaysia. Understanding Islamic resurgence and the actors involved during that period is important in examining contemporary capture. From the 1990s, these actors were part of the religious leadership and continued to be so after the departure of Suharto and Mahathir. Reading the discourse of resurgence actors—such as leaders of *dakwah* (the call to spread the message of Islam) groups, university lecturers, and ulema—is important as they reflect the broader capture aims of the contemporary official ulema to Islamise the current state.

Understanding continuity and change in state-official ulema relations would be unsatisfactory without explicating the significance of the Asian financial crisis in 1997. The Asian financial crisis was a watershed event that significantly altered the political landscape of Indonesia and Malaysia. With Indonesia's economy devastated during the crisis, student protests contributed to the downfall Suharto's 32-year rule. It was also during the Asian financial crisis that Mahathir sacked his popular deputy Anwar Ibrahim, which triggered the *reformasi* movement and mass protests that divided Malaysians at a scale unprecedented

during Mahathir's rule (Weiss, 2006).²⁹ Ultimately, the Asian financial crisis contributed to the more competitive political environment of both countries in the subsequent years, though Indonesia faced this earlier than Malaysia. This transformation shaped the conclusions scholars make about the relationship between official ulema and the states in both countries. In a snapshot, scholars portray the Malaysian ulema as continuing to act as passive agents of UMNO because no regime change occurred (Hamayotsu, 2005; Shiozaki, 2010). MUI, on the other hand, has been portrayed as becoming more assertive towards the Indonesian state and society compared its behaviour during the New Order (Moch Nur, 2005; Nadirsyah, 2004). A review of these works will be conducted in Chapter Two. The study disagrees with the conclusions made by existing writings: they have overstated MUI's influence in the religious domain, and understated the Malaysian ulema's powers to influence the state.

Significance of Islamic thought in co-optation and capture

One aspect the study seeks to grasp is the role ulema play in contemporary society. Based on existing writings, some authors undertake normative approaches to understand ulema's role in modern societies. Zaman (2005), for instance, associated ulema as agents of social change and custodians of Islamic tradition. Other authors demonstrate the various roles ulema play in reality. Authors in the edited volume *Varieties of Religious Authority: Changes and Challenges in 20th Century Indonesian Islam* map out ulema's authority can manifest in different forms (Azyumardi, Dijk and Kaptein, 2010). In this study, I focus on how ulema negotiate the roles states assign to them. It asks if

²⁹ Anwar's dismissal divided UMNO more greatly compared to the party's crisis in 1987, when Mahathir was challenged by Tengku Razaleigh Hamzah for UMNO presidency.

ulema are constrained by being part of state structures and whether can influence religious discourse.

Understanding religious authority cannot be separated from analysing Islamic ideas, orientation, and thought, because it is necessary in conceptualising how official ulema construct their authority against the state and the ummat. Debatably, the more pious or conservative the society, the more powerful the official ulema. States need to listen to the sentiments at the grassroots, which also explains why Suharto and Mahathir implemented major Islamic policies during the Islamic resurgence. Moreover, discussing the role of ideas, orientation and thought is relevant because scholars are becoming increasingly concerned about the rising conservatism in Indonesia and Malaysia, especially how it affects religious minorities (for example Bruinessen, 2013; Chandra, 2002; Farish, 2005; Feillard & Madinier, 2011; Hefner, 2011, p. 282). These minority groups included the Ahmadiyahs, Shiahs, Christians, liberals and those who converted out of Islam. Scholars of Indonesia are concerned about attacks and discrimination towards minorities. Similarly, scholars of Malaysia have expressed concerns about the intolerance of Malaysian Muslims, for example banning the use of the word "Allah" by non-Muslims, the declaration that Shias are deviants; and the forbidding of Muslim-non Muslim marriages.

However, what is the role of the official ulema in this rise of societal conservatism? They are either reflecting the growing conservatism in the ummat and hence being in touch with community opinion; or if I am to apply Riaz's view (2008, p. 38), they are the ones shaping the consciousness and ideas of the religious community. I reiterate my position that in capture, the

official ulema are not necessarily fulfilling their material and economic interests; some genuinely believe that Islamisation is beneficial for the ummat. On the other hand, official ulema are pragmatists. They can switch between conservative and progressive ideas depending on whichever circumstances benefit them (Mannheim, 1986).³⁰

Definitions

In this section, I define the research parameters of the study. First, I discuss the concept of ulema in Islam and then locate them in the context of Indonesia and Malaysia. This will be followed by a description of state bureaucracies and institutions to be analysed. I then delineate the period of study.

The ulema in Indonesia and Malaysia

The term ulema is mentioned in the Holy Quran twice and is often used to refer to the "scholars of Islam." Traditionally, the Muslim community regarded the ulema as a group of Islamic scholars. A *hadith* recorded the Prophet Muhammad as saying the ulema were "heirs of the Prophet" (*waratsatul anbiya*). The ulema quote this *hadith* to identify themselves as authorities in religious matters, gatekeepers of religious learning, and guardians of faith. As such, the ulema often present themselves as "custodians of an authoritative dogma, reproducers of an authoritative legacy, and interpreters of authoritative law" (Ghozzi, 2002, p. 317). Unlike Christianity, the majority of Muslims do not regard the ulema as an ordained priesthood. In Catholicism, the religious

³⁰ Olle, 2009, made a similar argument. Olle's work on MUI will be discussed as part of the literature review in Chapter Two.

structures are neatly separated from society, where ordained priests are considered mediators between God and human beings. While priests perform sacramental functions and intercession between God and man, this is generally not the case for the ulema. The ulema act as religious scholars who provide guidance on theological matters.³¹

Muslims distinguish ulema from other elites by virtue of their education. They identify ulema based on their training in Islamic disciplines or revealed knowledge. Religious science training can be received either earlier or later in their educational life. The terms "Islamic" disciplines and "revealed" knowledge are highly contested.³² Hasan al-Turabi, for instance, would include chemists, engineers, economists, jurists, social scientists, natural scientists, public leaders, philosophers and those who enlighten society as ulema too (al-Turabi, 1983).³³ However, a majority of Muslims generally refer to ulema as religious elites trained in the religious sciences. In this study, I define the ulema as those who received their training in the religious sciences, "Islamic" disciplines, and theology. Their fields of study include law, exegesis, theology, and traditions of the Prophet. By nature of their training, the ulema function as jurists, theologians, grammarians, teachers, *mufassirin* or writers of *Quranic* commentary, and *muaddithin* or interpreters of *hadith* (Hussain, 2006). The ulema must have the ability to read and converse in Arabic in order to interpret

³¹ Although there is no priesthood in Islam, some Muslims do see faith as having a clergy. Khuri (1987) argues that the concept of the clergy exists amongst some Shia circles (p.293). Several sufi groups, similarly, believe in the mystical powers of the saints (*wali*) and sufi masters. Conversely, some Muslims do not include sufi *syaykhs* as part of the ulema ranks (Green, 1978, p. 26). For the majority of Muslims, not only are the ulema ordinary human beings, they also remain a very fluid social category, and far from being a unified social class.

³² The notion of "Islamic disciplines" arose in the seventh and eighth centuries AD. The dichotomy between "Islamic" disciplines and "non-Islamic" (secular) disciplines did not exist during the time of the Prophet and his companions, who were largely very practical individuals. Islamic disciplines emerged as a reaction towards the early Abbasid caliphate's translation movement of books on philosophy, mathematics and physical sciences (Saeed, 2004, p. 16).

³³ Cited in Hatina, 2009.

the Quran, hadith, and classical Islamic sources. They have the competency to deal with matters pertaining to religious beliefs, rituals, and ethical codes. Moreover, the Muslims regard ulema as the spiritual, moral, and intellectual custodians of Islam. Hence, ulema define problems falling within the sphere of religion and provide solutions based on what they deem divine law. In some Muslim societies, the ulema must not only receive training in *madrasah* (traditional Islamic school), they must also take up appointments in offices deemed "religious." This has its precedence during the Ottoman caliphate, where those who studied in *madrasah* and received *ijazah* (diplomas or degree) secured appointment as mosque functionaries, teachers or judges, could be regarded as ulema (Chambers, 1972, p. 33).

In contemporary Indonesia and Malaysia, religious knowledge is taught in Islamic boarding schools (*pesantren* or *pondok*) and *madrasah*. In Indonesia, the *pesantren* system remains the most traditional form of Islamic education where learning is mostly through reading texts (Millie, 2008, p. 107).³⁴ One of the most notable *pesantren* is Tebuireng in Jombang, founded by Kiai Hasyim Asyari (also one of NU's founders) in 1899.³⁵ Tebuireng became the model for many other *pesantren* in Indonesia and produced many influential ulema. In Malaysia, the *pesantren* are commonly referred to as the *pondok* and are located in rural parts of the Northeast Peninsular Malaysia (particularly in Kelantan and Kedah).³⁶ Yet, the *pondok* system has become less popular than

³⁴ The training in the *pesantrens* or Islamic boarding schools is regimental. According to Ustaz Akbar Kurniawan, a young religious scholar of MUI who graduated from a *pesantren*, "Our life is full of education. We wake up at 4am every day. Our activities are controlled by the sound of the bell, just like in the army." Interview with Akbar Kurniawan, MUI member, 4 March 2013.

³⁵ One of the principle aims of NU's formation in 1926 was to defend the Islamic tradition of the *pesantren* against the tide of modernism that confronted the Malay world in the early 20th century, especially from Muhammadiyah and Sarekat Islam (Bruinessen, 1994, pp. 32-41).

³⁶ This point was made during an interview with Dr Fauzi Deraman, Associate Professor Faculty of Islamic Studies, University of Malaya, 6 February 2013.

the madrasah.³⁷ The madrasah is a day school that runs in the same way as modern/secular schools. A madrasah student has to obtain a certain grade and pass examinations in order to advance to the next level. The madrasah does not require students to study classical texts and its curriculum combines both religious and non-religious subjects.³⁸ Apart from the religious sciences, these schools also teach vocational, technical, and "secular" subjects. In Malaysia, madrasah students have to sit for national examinations prepared by the Ministry of Education, and sit for "religious" subjects prepared by the religious councils. In Indonesia, a similar madrasah system exists in parallel with the pesantren and the national school system. Since the 1970s, the Indonesian state has attempted to modernise the madrasah, and the Kemenag designs the curriculum. Indonesian madrasahs teach and require students take national exams. Since that time, some pesantrens have adjusted their curriculum by introducing new teaching methods, subjects, and grading systems while retaining core "religious" subjects (Mun'im, 2010, p. 62).

Most ulema today are graduates from Islamic universities. Some of the more popular destinations of tertiary religious institutions that offer traditional Islamic learning are the Al-Azhar University (Cairo), Darul-Ulum Deobandi (Pakistan), Islamic University of Madinah (Saudi Arabia), Yarmouk University (Jordan), International Islamic University Malaysia (Malaysia) and State Institute of Islamic Studies (Indonesia). However, Al-Azhar University remains the most

³⁷ Indonesian also use the term pondok is also used although less common compared to in Malaysia. The pondok system in Malaysia were weakened by the challenge of the reform movement of the early 20th century (A. Firdaus, 1985). Students of the prominent Tok Kenali (1868-1933) later built many madrasahs in Malaya such as Madrasah *Manabi al-ulum wa Matali an-Nujum* at Bukit Mertajam (Province Wellesley) and Madrasah *al-Falah* at Pulau Pisang near Kota Bharu Kelantan (Firdaus 1985, p.10-17).

³⁸ At the primary level, it is called the *sekolah rendah agama*, whereas at the secondary level, it is called the *sekolah menengah agama*.

prestigious institution of religious learning in the Sunni world. The curriculum of the madrasah and universities of the Sunni Muslim world—Indonesia and Malaysia not excluded—is fashioned largely on Al-Azhar's structure (Azhar, 2006, p.113-114).³⁹

As previously explained, some ulema are officially recognised by the state (Saeed, 2004). These ulema work in religious bureaucracies or state-sponsored bodies dealing with Islamic policies and fatwas. It should be noted that the term official ulema is an ideal-type, analytical category that distinguishes those who obtain state recognition from those who do not. In other words, if a question on who has the authority to speak on religious matters and issue fatwas arises, states will point to their official ulema. Nevertheless, in reality, Muslims do not generally use the term official ulema and non-official ulema. To begin with, society has different criterias as to who should be called ulema. There are disagreements whether ulema are self-ascribed, society-defined, or state defined, because the concept of "ordained" ulema, akin to ordained priesthoods in Christianity, does not exist in Islam. Some societies define ulema more loosely than others. They include religious preachers as ulema, even though they have not contributed to any scholarly debate or writings.

The official ulema obtain "formal legitimacy" and the state appoints them into positions within the apparatus. Their positions include mufti, qadis (judges), and officials in religious departments. The official ulema have access to key institutions of the state such as the religious councils, which are sources of

³⁹ Despite their in training the religious sciences, the role of the ulema is not solely confined to mosques. In his study of the Tunisian ulema from 1873 to 1913, Green categorizes the ulema as serving three main functions in society: Islamic higher education, sharia justice and Muslim worship (Green, 1978).

power and social prestige (Mills, 1959; Norshahril, 2010a). In 1916, Haji Abdul Karim Amrullah, prominent Indonesian ulema, described the mufti institutions in Johore as follows:

To become a Government Mufti in Malaya is a great glory. You have an official uniform, with a whole banana-comb epaulette on the shoulder, a *jubbah* embroidered with gold thread, a silk turban, and your own car. The *ra'yat* [people] fear and obey you, eat the scraps from your table, your spat on *sireh*. And if you want to get married *Bismillah!* (Roff, 1994, p. 67)

The elevation of the ulema into religious bureaucracies, as a salaried and professional class, means that their authority is attached to an office and not necessarily to popularity. Their tasks include representing the state in international meetings and conferences; leading prayers in national events (such as the opening of the parliament or legislative assembly); and speaking on behalf of the state on religious issues.

However, some ulema obtain popular legitimacy independent of these state-sponsored institutions: through credentials, appeal, conduct, and piety. In Weber's terms, popular legitimacy here may be in the form of charismatic authority (Weber, 1978). The claim to charismatic authority may take the form of moral grounds, including piety.⁴⁰ Charisma also extends to the ways their ideas are articulated in public, the events they attend, the way they dress, the lifestyles they lead, the issues and concerns they discuss, and the prestige of their descent (Ghozzi, 2002; Nagata, 1984). Traditional and new media may further boost popular legitimacy. Furthermore, informal organisations such as *sufi/tariqahs* may provide popular legitimacy. In these *tariqah* groups, the ulema can obtain legitimacy by being the son, or even student, of a prominent sheikh. For instance, the Arabic names carrying the term "sayyid" symbolizes descent from the Prophet and Hadrami. Lastly, another form of popular legitimacy is

⁴⁰ Interview with Ichwan Sam, MUI Secretary General, 3 December 2012.

through the possession of mystical and magical powers, such as the ability to cure an illness or foretell the future.⁴¹

The ulema bear titles that signify their authority and status vis-à-vis ordinary religious teachers and preachers. Titles are to be conferred—either by the state or society or both—based on educational background, occupation, and the offices they occupy. Graduates of the *pesantren* who eventually become religious teachers bear the title “kiai” or “ustad.” In Indonesia, the term *kiai* often comes with the title “haji” (hence *Kiai-Haji* or KH), which means the ulema have performed the pilgrimage to Mecca, the fifth pillar of Islamic faith. In Malaysia, the term *Kiai-Haji* is not used by the ulema. The Malaysian muftis are identified as *sohibus samahah*, an Arabic term which means the “honourable.” Other popular titles for the Malaysian ulema are *Tok Guru* (mainly graduates of *pondok*), *murshidul am* (General Guide), and *ustaz* (teacher). Some other titles for ulema amongst the *sufi/tariqah* circles include the *sheikh* and *habib*. The latter is more common for individuals of Hadrami descent.

Official ulema institutions and religious bureaucracies

This research limits its examination of the official ulema to the main religious bureaucracies and state-sponsored institutions of both countries. In the case of Indonesia, the study focusses on MUI. For the case of Malaysia, the study shall focus on the number of muftis and key office holders (such as directors and deputy directors) in the federal religious institutions and departments,

⁴¹ This is not to say that ulema in the state bureaucracies are necessarily less popular, less charismatic or less qualified than those who are not part of such formal institutions. They may also possess traditional and/or charismatic authority. Indeed, some ulema may be offered positions in the state bureaucracy and also to run as candidates in elections as a result of their popularity.

specifically JKF-MKI, JAKIM and IKIM. In general, the official ulema in these institutions represent their respective countries in international meetings; issue, research, and/or enforce fatwas; and engage in administrative matters pertaining to Islam. The discussion of these institutions here is brief, as details of their roles and structures will be discussed in Chapter Three.

The Suharto government formed MUI in 1975. The reason he gave for setting up MUI was that there was a need to establish a nationwide body of ulema to represent Muslims. Based on the official narrative, the state formed MUI to foster unity amongst the Muslims in the country that acts as a forum that includes representatives from the various Islamic organisations. The state's narrative on MUI's establishment seems a noble one, but scholars and commentators are inclined to think that the institution was meant for social control (Bramantyo, 2009; Mohammad Atho, 1993, p. 51).

However, it is the Kemenag and not MUI that functions as an administrative body which oversees religious matters in Indonesia. It has charge of the six official religions recognized by the constitution, namely Islam, Protestantism, Catholicism, Hinduism, Buddhism, and Confucianism.⁴² Kemenag is divided into the central (*pusat*) and provinces (*provinsi*), and has branches at the district (*daerah*) levels. Despite the general move towards decentralisation that happened during post-Suharto rule (Bunte, 2009), Kemenag's powers mostly rest with the central office. According to Article 10/2004 on Law Making, provincial or local governments do not have the power to make regulations on matters of religion. This power has been legislatively reserved for the national

⁴² The ministry was established based on Article 29/1945 constitution that upholds the Oneness of God principle, while guaranteeing the freedom of every inhabitant to embrace his religion (Noer, 1978, p. 8). This principle was later embodied the state's ideology Pancasila.

government by action of article 10(3) of law 32/2004 on regional autonomy.

The reason why I focus on MUI in this study is that the Kemenag is not an ulema institution, even though at least three of its departments—Ditjen Bimas Islam (Direktorat Jeneral Bimbingan Islam or Directorate for Islamic Guidance); Islam); Ditjen Pendis (Direktorat Jeneral Pendidikan Islam or Directorate for Islamic education); and Ditjen Haji (Direktorat Jeneral Penyelenggaraan Haji dan Umrah or Directorate for Haj and Umrah)—deal with Muslim affairs. The Islamic directorate oversees the management of tithe (*zakat*), endowments (*wakaf*), and marriage. The Haj department handles the needs of pilgrims to Mecca and liaises with the agencies that offer services to the pilgrims. Not all Kemenag's personnel can be considered ulema, as some do not receive any form of training in the religious sciences, and the society does not recognise them as part of the ulema class. But the most important reason why I do not consider the Kemenag as an official ulema institution is because it neither issues fatwas nor gets involved in fatwa research. As mentioned earlier, the most important criterion for classifying ulema is the authority to issue (or research on) fatwas.

In Malaysia, I focus on the JKF-MKI (National Fatwa Committee) because it is the closest Malaysian comparison to MUI.⁴³ The JKF-MKI is a forum where muftis from various *negeri* meet to discuss issues concerning Malaysia. The JKF-MKI, was established in 1970, under Article 11 of the MKI (JAKIM, 2013b).

⁴³ See Appendix 1# for the list of JKF-MKI Members as at 2014. Undeniably, both MUI and the Malaysian muftis are not perfect comparisons. MUI represents as a loose network of ulema that gathered under a state-sponsored platform, whereas the Malaysian muftis are civil servants. MUI officials are not appointed by the state but receive yearly funding from the state, while the Malaysian muftis are appointed by the Malay rulers and are salaried government employees.

This committee is made up of the chairman, who is appointed by its members, the muftis of the 13 *negeri*, the mufti of the Federal Territory (Wilayah Persekutuan), and nine other Islamic scholars. The council also included other professionals and legal experts appointed by the Council of Rulers (Majlis Raja-Raja).

Apart from the JKF-MKI, I include federal institutions JAKIM and IKIM as part of my analysis. JAKIM acts as a secretariat for the JKF-MKI, which meets six times in a year, or more if required. IKIM acts as the research and intellectual institution that hosts meetings with the JKF-MKI. Both JAKIM and IKIM act as enforcement bodies for the JKF-MKI and complement one another. I am also including JAKIM in my analysis because it oversees some of the roles and functions of MUI, such as issuing halal certificates (for food products and cosmetics). The powers of JAKIM are extensive including overseeing Kemenag's role. It undertakes the administration of Haj and religious education for national schools (*sekolah agama rakyat*).⁴⁴ However, unlike in Indonesia, there is no "religious affairs" Minister in Malaysia, but only a *de facto* minister under the Prime Minister's Office who oversees religious affairs.

Time frame

This study focuses on post-Suharto Indonesia (after 1998) and post-Mahathir Malaysia (after 2003). For Indonesia, I am referring to the presidencies of Bacharuddin Jusuf Habibie (1998-1999), Abdurrahman Wahid (1999-2001), Megawati Sukarnoputri (2001-2004) and Susilo Bambang Yudhoyono (2004 to

⁴⁴ Interview with an UMNO member, 8 February 2013. The Islamic schools fall under the jurisdiction of the Islamic religious councils in the *negeri*. However, some these schools receive financial assistance from the federal government. These religious schools are called Sekolah Agama Bantuan Kerajaan and adopted the curriculum determined by the Ministry of Education and JAKIM.

2014). In Malaysia, the case study shall be limited to the prime ministerships of Abdullah Ahmad Badawi (2003-2009) and Najib Abdul Razak (2009 onwards). During this period, both states experienced a more competitive political environment compared to the years under Suharto and Mahathir. Political competition was further enhanced as a result of the Asian financial crisis in 1997. In Indonesia, the student protests led to Suharto's resignation and the weakening of Golkar. In Malaysia, the sacking of the deputy prime minister Anwar Ibrahim eroded support for UMNO.

Nevertheless, my reference to both countries as experiencing more political competition does not imply that they are transitioning to post-authoritarianism in the same manner. Indonesia has undergone a regime change and transition from an authoritarian state to a more democratic state (Weatherbee, 2002). Malaysia, on the other hand, has neither been highly authoritarian, except during the 21 months under the National Operations Council after the 1969 racial riots, nor democratic (H. Crouch, 1996, p. 30).⁴⁵ Malaysian elections are competitive, and they are held once in every five years though Malaysia continues to witness the uninterrupted rule of UMNO since 1957. However, since 2006, UMNO has weakened, and is less popular than it was in the 1980s and 1990s. The 2008 General Elections saw, for the first time, the failure of the ruling BN coalition (Barisan Nasional or National Front) to regain two-thirds majority in the federal parliament. For BN to lose five states in one election to the opposition is also unprecedented in Malaysia's history. BN did not recover in the 2013 General Election, where it failed to obtain 50 per cent of the popular vote, and once again failed to obtain two-thirds majority in parliament. However,

⁴⁵ Parliament was re-convened in February 1971.

a relatively weakened UMNO does not mean that Malaysia has become less authoritarian. Malaysia can still be regarded as what Case (2004) terms as a "pseudo-democracy" and what Ufen (2009, p. 320) describes as "electorally competitive authoritarian regime." Hence, the phrase "more competitive political environments" is more accurate in describing the political situation in both the Indonesian and Malaysian states today.

Methodology

This study builds on the state-in-society approach (Migdal, 1988).⁴⁶ According to Migdal, existing studies on state-society relations emphasise the image of the state. This is manifested in the corporatist and bureaucratic-authoritarian approach, where the state is portrayed as either "autonomous and effective, or hapless, and bumbling, unstable," and "ineffective in carrying out their grand designs" (Migdal, 2002, p. 68). Migdal distinguishes the "practices of the state" from the "idea of the state itself." Rather than seeing state and society as dichotomous social structures, Migdal's state-in-society approach depicts society as a combination of social organisations. According to Migdal, "Various formations, including the idea of the state as well as many others (may or may not include parts of the state) singly or in tandem offer individuals strategies of personal survival and, for some, strategies of upward mobility" (Migdal, 2001b, p. 49). More importantly, individuals' selection of a range of strategies depends on a variety of factors. They may either be coerced into making such decisions or be offered material or monetary incentives (Migdal, 2002, p. 70).

⁴⁶ The basis for applying this approach shall be discussed further in the literature review in Chapter Two.

Migdal challenges the notion that states are the prime movers of macro-level societal change, although he does not discount the state as continuing to be the most important social actor. He argues that the actions of states, more often than not, are constrained by their domestic environment. Societies continue to shape the powers states have, the nature of their policies, the issues of concern to the leaders. Migdal's approach in studying the "practices" of the state, rather than treating the state as a coherent, controlling organisation, has debunked the notion of strong state and passive society (White, 2013, p. 5). In other words, there can also be a situation where the society is relatively stronger than the state. As Migdal points out, state-society relations should not be seen as a zero sum equation, with clear winners and losers (Migdal, 2001b, p. 20).

This study's findings support Migdal's assertion that the state is not as strong as scholars often assume. However, existing studies using Migdal's framework stop short of pointing out the limitations of the state without extending the analysis to the limitations of societal actors. In addition, scholars who apply Migdal's approach often conduct research in the peripheries of the state in order to demonstrate states' limitations. This study of ulema located within the state, and their behaviour vis-à-vis the state as autonomous actors, fills this theoretical gap, and extends Migdal's approach to accommodate the influence of societal forces on the state.

Nonetheless, Migdal's state-in-society approach informed my fieldwork strategy and data gathering. My fieldwork was mainly located in Jakarta and Kuala Lumpur between November 2012 and May 2013. My fieldwork largely consisted of interviewing official ulema from both countries. On average, each interview

lasted for one to two hours. While this study focuses on the official ulema, the interviews also included academics, civil-society activists, politicians, non-official ulema, bureaucrats and cabinet ministers who closely interacted with ulema. The personalities selected have significant influence in the community by occupying important offices in the state, and most importantly, are in a position to be informed due to close acquaintance with the events and meetings attended by the official ulema. Apart from these interviews, I had numerous conversations with the public, activists, and students in institutes of higher learning, and conducted participant observation in mosques. I also attended fatwa meetings, public forums (where the official ulema spoke), and conferences. My research also relies extensively on secondary data. Official comments and press releases published in the media were examined. Also, my fieldwork involved library research, and I spent some time the libraries of MUI and NU, and the universities in both countries. Apart from examining academic works, theses, and newspaper reports, I also relied on online videos.

Thesis Outline

Chapter Two discusses the relevant literature on the study of ulema and my theoretical framework. The literature review engages three kinds of writings: works on the ulema; works on MUI and Malaysian ulema; and theoretical debates in political science. First, I highlight how research/scholarly writings on ulema deal with the subjects of co-optation and capture. Second, I examine the works on the Indonesian and Malaysian ulema, particularly MUI and the Malaysian muftis. I argue that existing literature places too much emphasis on

the political nature of their fatwas, not enough on the significance of their behaviour. Third, I highlight the various theoretical debates dealing with state-society relations, pluralism, corporatism, and state-in-society relations. This chapter makes a case for applying the political economic framework, namely state capture, in discussing the religious and political behaviour of the official ulema.

Chapter Three focuses on the MUI for the case of Indonesia, and the JKF-MKI, JAKIM and IKIM for the case of Malaysia. The chapter discusses the roles, structure and evolution of these institutions by focussing on their contemporary status, and sets up the discussion for Chapter Four and Chapter Five that draws out the significance of these institutions' origins. The chapter acknowledges that official ulema institutions in Indonesia and Malaysia have many differences. However, in demonstrating co-optation/capture dynamics in both countries, I make a case why MUI and JKF-MKI are comparable cases.

Chapter Four describes the political and social context that contributed to Suharto's and Mahathir's co-optation policies. The chapter discusses the Islamic resurgence movement that was marked by a shift in the religious outlook of the Muslims. During this period, there was a rise in piety in both Indonesia and Malaysia. This chapter also examines the different religious cleavages in both countries. Indonesian Muslims are divided into the traditionalists and modernists, while Malaysia between the ethno-nationalists and Islamists. Generally, traditionalists argue that Muslims should follow the four classical Islamic jurists Hanafi, Maliki, Hanbali and Shafie, whereas modernists contend that religious teachings should consider the contemporary

context. Ethno-nationalists emphasise on cultural aspects of religious traditions while Islamists desire a return to the Islamic "golden age" and are anti-cultural in their religious outlook. Discussing these cleavages is important in understanding why Suharto and Mahathir devised the co-optation strategies the ways they did.

Chapter Five explores the different ways Suharto and Mahathir managed Islamic resurgence and other threats to their authority in the 1980s and 1990s. In the 1970s, Suharto aimed to neutralise the traditionalists, and in the 1980s, sought to counterbalance the military. His co-optation instruments include the creation of PPP, MUI, and ICMI. Mahathir, on the other hand, strengthened traditional religious institutions and built new ones to subdue challenges from a more Islamist PAS. The federal government undertook "soft" Islamisation programs—such as establishing Islamic banks, Islamic universities, and strengthening Islamic bureaucracies—as well as empowering the official ulema. I contend that these varying co-optation strategies affected the official ulema's ability for capture in the 21st Century. The main argument of this chapter is that Suharto did not empower the ulema the way Mahathir did, and this affected the official ulema's behaviour later. I classify Suharto's co-optation as symbolic institutionalism and Mahathir's as substantive institutionalism.

Chapter Six assesses MUI's success in capturing the post-Suharto state. I argue that MUI in contemporary Indonesia continues to function under the shadow of the New Order. The Suharto government defined and confined the powers of MUI. In addition, MUI's internal fragmentation hinders its quest for capture. Apart from the success of the DSN-MUI (Dewan Syariah Nasional or

National Shariah Board) to be recognised by the state to oversee the countries' Islamic banking and finance, MUI's attempts to stamp its authority on other domains such as halal certification, Islamic tourism, and formal recognition as Islamic "watchdog" for deviant and immoral practices remain unsuccessful.

Chapter Seven examines the religious and political behaviour of the Malaysian official ulema and highlights their success in capturing the state. Although they function under their respective Malay sultan in each *negeri*, they are intolerant of attempts to weaken their institutions both internally and externally. The muftis inherited stronger and more powerful institutions because of Mahathir's Islamisation policies. This chapter demonstrates how the Malaysian official ulema preserve their powers by championing the ideology of *ketuanan Melayu* (Malay supremacy held by UMNO and Malay royalty) and an ethno-centric and exclusivist form of religious conservatism.

Chapter Eight is a conclusion recapping several points in comparison to the two states. It also summarizes how the thesis contributes to existing works on the ulema in Southeast Asia, as well as the broader theoretical debates in comparative politics. It ends with an examining of future trends in the religious discourse in Indonesia and Malaysia.

Literature and theory review

The first part of the review is a general overview of the field. It discusses the importance of literature and theory in understanding human behavior and the social world. It also identifies the key concepts and theories that have shaped the field. The second part of the review is a more detailed examination of the literature. It discusses the strengths and weaknesses of the existing research and identifies areas for future research. The third part of the review is a synthesis of the findings. It discusses the implications of the research for practice and policy and identifies the key takeaways from the review.

The review is organized into three main sections. The first section, "Introduction," provides a general overview of the field and identifies the key concepts and theories. The second section, "Literature Review," discusses the strengths and weaknesses of the existing research and identifies areas for future research. The third section, "Synthesis," discusses the implications of the research for practice and policy and identifies the key takeaways from the review.

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Literature and theory review

This chapter summarises the academic and theoretical writings relevant to answering the two central questions of this study. How have the Indonesian and Malaysian official ulema sought to capture their respective states; and has greater political competition led to more or less capture? This literature and theory review is divided into three parts. First, I discuss the broader writings on ulema co-optation and capture in the Islamic world. In doing so, I hope to establish the extent to which official ulema are co-opted. Second, I examine studies on MUI (Majelis Ulama Indonesia or Ulama Council of Indonesia) and Malaysian ulema to ascertain research gaps, particularly regarding co-optation, capture and their relationship to increased political contest. Third, I discuss theoretical works on state-society relations and interest-group mediation models. I ask to what extent these political science models allow for new interpretations and conclusions about official ulema in Indonesia and Malaysia. Close examination of these theoretical models is important because recent works have questioned the strength of states in the modern world. Much current political science writing seems to suggest that societal groups' capture can co-exist with state co-optation.

Studies on ulema

In formulating the research questions for this study, I have examined a number of works on ulema outside Southeast Asia. Scholars have studied ulema as

groups (mainly country specific) and as individuals.⁴⁷ Studies of individual ulema emphasise their life stories and development of Islamic thought philosophy and ideology. The biographies and scholarly contributions of renowned ulema such as Said Nursi of Turkey (Abu-Rabi, 2008; Markham, 2009; Vahide, 2005), Hamka of Indonesia (Akmal, 2012; Irfan, 2013; Muhammad Nazar, 2012; Shobahussurur, 2008), Al-Qardawi of Qatar (Skovgaard-Petersen, 2009), and Ayatollah Khomeini of Iran (Koya, 2009), among others, have been well studied. While these works concern ulema's personal histories, some of them touch on their struggles with state co-optation. Works on Said Nursi (b.1877-d.1960), in particular, focus on his strategies confronting Kemal Ataturk's military rule. In a situation in which all religious activities were restricted, Nursi reverted to underground faith-based activism and developed ideas less critical of Ataturk. As he became less critical of the military regime, Ataturk did not ban the Nursi movement. Yet, it was through this underground movement that Nursi was then able to strengthen his networks and develop a mass following, which became more assertive after Ataturk's demise in 1938. Similarly, Hamka's biography provides details of how he stood by his principles in refusing to heed Suharto's demands (Irfan 2013). In 1981, Hamka resigned as MUI's chairman as he refused to withdraw a fatwa that prevented Muslims from expressing Christmas greetings.

Some insights can be drawn from these ulema biographies which are relevant

⁴⁷ The sample of works focussing on ulema through the country specific approach is summed up as follows: Egypt (Brunner, 2009; Hatina, 2010; Skovgaard-Petersen, 2009), Indonesia; (Fealy & Barton, 1996; Moch Nur, 2005; Suzaina, 1999), Iran (Algar, 1972; Floor, 1983; Ghazzi, 2002; Lamborn, 1983), Malaysia (Mohamed Nawab, 2006; Norshahril, 2011), Morocco (Munson, 1993), Ottoman Empire (Chambers, 1972; Levy, 1983; Repp, 1986), Saudi Arabia (al-Atawneh, 2009; Bligh, 1985; Hatina, 2009; Kechichian, 1986), Singapore (Y. Firdaus, Wan Hussein, & Mohd Rahman, 2010; Noor Aisha, 2008; Walid, 2012), South Asia (Aziz, 1983; Friedman, 1983; Zaman, 2002), Syria (Commins, 2009; Gilbert, 1978), and Tunisia (Brown, 1972; Ghazzi, 2002; Green, 1978).

to co-optation and capture. However, this study approaches the ulema as a social group. Hatina (2010, p. 5) claims that, in the main, Western scholars perceive ulema losing their authority and independence as they enter into state structures. Most European and North American political scientists conclude that ulema serve their religious communities, providing independent religious judgement in line with Islamic traditions by not being part of any state sponsored institution. Earlier, I cited works by Saeed (2004), which provide a general overview of the decline of official ulema; and Peterson and Graf (2009), which focuses on Al-Qardawi's perception of Egyptian Mufti Tantawi as ceasing to be a genuine religious scholar; as supporting official ulema co-optation. Others who share this view include Ghozzi (2002), Bligh (1985), Kechichian (1986), and Khuri (1987). In comparing the Tunisian and Iranian ulema, Ghozzi (2002) singled out "institutional autonomy" as one of three indicators measuring the ability of ulema to influence the state. He suggests that ulema are in a better position to influence the state if they accumulate three forms of institutional and symbolic capital, namely doctrinal consensus, institutional autonomy, and leadership charisma. Ghozzi shows how the Tunisian and Iranian ulema capitalise on ulema institutions to secure a combination of all three types of capital.

Similarly, Bligh (1985) suggests that ulema's authority generally declines after they co-operate with rulers. Bligh argues that the authority of Saudi Arabian ulema in the twentieth century, namely the descendants of Muhammad Ibnu Abdul Wahab (b.1703-d.1792), waned after co-operating with the royal family. Muhammad Ibnu Abdul Wahab was the founder of the purist Wahhabi school of thought. The alliance between his followers and the descendants of Muhammad

ibn Saud (known as the House of Saud) led to the formation of the Kingdom of Saudi Arabia in 1932. Bligh argues that since the 1980s, Saudi official ulema were not allowed to hold any key positions in the regime other than less prestigious appointments in the Ministry of Justice and Education. They were also expected to rubber stamp every ruler's decision (p.47). Bligh suggests that the Saudi ulema's survival impulse rests on abandoning the coalition with the house of Saud when it no longer served the interests of the Wahhabi and refraining from confronting Saudi leaders on religious matters.

Kechichian (1986) argues that the perception of the royal family co-opting the Saudi ulema's triggered the rebellion and the seizure of the Holy Mosque (Masjid al-Haram) in 1979. The rebellion was led by Juhaiman Ibn Muhammad Utaibi and directed against official ulema. The rebels perceived the official ulema as lacking independence after gaining prosperity through financial support from the Saudi Royal family (p.59). This accusation was particularly directed at the Saudi Grand Mufti Abdul al-Aziz ibn Baz (1910-1999). Kechichian goes so far as to suggest

Clearly, what is implied in the accusations made by the attackers is that the ulema have reconciled themselves to exercising their religious authorities in tandem if not in the shadow of the political authorities. The question, thus, is whether this awareness, and its consequent practice, diminishes in any way the legitimized power base of the religious establishment in Islam (p.62).

Khuri's (1987) comparative study on the Sunni and Shia ulema also concludes that official ulema compromise their authority to make independent religious pronouncements when they co-operate with ruling elites. Official ulema have limited power to influence state policies and outcomes. Focussing on the Sunni official ulema in Lebanon, Khuri states that

All the jurists who serve in the sharia courts, including the Mufti, are appointments finalized by government. Although the opinions of high religious

authorities are solicited by the ruling elites, as a symbol of protecting the Islamic tradition, the final decision still rests in the hands of the power structure (p.299).

Khuri then quotes the words of a *qadi* [judge] who suggested that official ulema may ruminate on issues but it is the government that has the final authority (p.299). However, Khuri concedes that the interference of the power elites in the appointment and placement of Islamic jurists does not nullify or disturb the continuity of "latent, invisible structures that bind the jurists together in network constellations reaching sometimes far beyond the political boundaries of a single Islamic state" (p.300). In other words, Khuri is suggesting that the ulema's co-operation with the rulers allowed them to tap into the state's resources and assert their influence in neighbouring countries.⁴⁸

There are, nevertheless, studies that have challenged this co-optation thesis. While these studies refer to different issues, historical moments, and cultural settings, they point out the various ways the official ulema utilise their access to state power to build personal networks with the ruling and business elites, acquire resources for personal benefit, and exercise influence beyond what is expected by the state under co-optation arrangements. For example, Levy (1983) concludes that the [official] ulema during the Ottoman ruler Sultan Mahmud II's reign (1808-1839) demonstrated a high degree of pragmatism in ensuring the survival and preservation of their interests when dealing with the regime.⁴⁹ Similarly, Hatina (2009b) argues that the incorporation of early twentieth-century Middle East ulema into the state apparatuses, and their seeming political quietism may not necessarily be the result of passivity. The

⁴⁸ He also cites the case of how employment networks in Lebanon were dominated by the jurists.

⁴⁹ The use of the term official ulema is not from the original author. Nevertheless, the author is implying ulema who function in the religious bureaucracies.

official ulema's discourse contains "elements of conformity, submission, and reform, as well as protest and dissent" (p.252). He cites the example of how official ulema used their positions to demand "Islamic cultural authenticity" akin to those of Islamists, a group the state deplored. According to Hatina, the criteria for measuring power and authority in terms of political power are inaccurate (p.249). This shows that the state's ability to co-opt official ulema may not always be successful; official ulema can in return influence the state. Hatina argues that accusations of contemporary ulema's weakening authority have found their way into many Western academic works (p.251). These claims, according to Hatina, are not true.⁵⁰

Marsot's (1973) study of eighteenth-century Egypt also shows the ability of official ulema to amass wealth and land, fulfilling their personal interests beyond the rewards allocated by the state. He argues that although the ability of official ulema to stand up for Islam seemed to be in decline, when they were co-opted into state structures, the wealth they amassed, particularly as landowners of estates and *waqf* (endowments) and as merchants, made them among the most powerful economic players in the Egyptian society. According to Marsot,

The ulema, therefore, while not belonging to a money-producing milieu notwithstanding had some opportunities for amassing riches, and those of them who set out to do so were successful in their endeavours. And while the majority of the ulema remained poor, the high ulema, save for an exceptional handful of dedicated scholars, became rich and politically influential, the two sides of the same coin (p. 144).

By the same token, al-Atawneh (2009) was cautious in concluding that the co-

⁵⁰ The works he cited include those by H A R Gibb, Elie Kedourie, Bernard Lewis and Ira Lapidus in the 1950s and the 1960s, and Emmanuel Sivan, Martin Krammer, Olivier Roy, Gilles Kepel, Barry Rubin, Haim Gerber, John Voll, and John Esposito in the 1980s and the 1990s. Hatina also disputes the claim made by Kramer, Voll, and Esposito about the 'decline of the ulema's and 'religious establishment in decline' in the modern era (p.251). The claim that the religious establishment in decline is made because the ulema are seen as mainly confined to the mosque and the madrasa (Islamic religious schools).

optation of the ulema into state bodies automatically led to the decline in their authority. By examining the relationship between Saudi tribalism and Wahhabi teachings,⁵¹ al-Atawneh observes that measuring power is more complicated than often assumed because distinguishing between power from influence is impossible. It is difficult to determine who is influencing whom. He argues the "distribution of power between the ulema and the *umara* (political leaders) has never been clear despite two centuries of mutual relations' and the ulema can increase 'their influence over policies and government circles'" (p.214). Thus, the official ulema can dictate government policies from within the state's structures, which they would not have been able to do had they not been part of these structures. al-Atawneh's conclusion here strengthens my claim that capture and co-optation can co-exist. He posits that through co-operation with the state, the official ulema had extended their control in the Saudi Ministry of Justice, the Ministry of Islamic Affairs and Endowments, the Ministry of Pilgrimage, the Committee of Commanding Good and Forbidding Wrong, as well as foreign affairs portfolios the World Muslim League and the World Assembly of Muslim Youth (p.215). The ability of official ulema to accept Saudi's tribalism with their brand of Wahhabi Islam makes their co-operation sustainable.

Zaman (2002) also cautions against considering contemporary ulema declining in authority. Though referring to South Asian ulema, he argues that ulema generally are capable of re-constructing their authority when confronted with

⁵¹Al-Atawneh clearly spells out his disagreement with the views of scholars such as Aharon Layish, who stated that the modern Saudi ulema 'have ceased to be one of the two foci of power alongside the *umara*, though they still belong to the political elite and play an important role, especially in times of crisis' (p.213). Al-atawneh also disagrees with O. Y. al-Rawaf, who stresses that "The ulema have exercised very little or no influence over major policies concerning foreign affairs, internal security economic development, oil production and pricing wealth distribution and regional allocation, or political participation" (p.214).

modernisation and secularism. His view contradicts Saeed's (2004), who argued modernisation and secularism weaken the authority of official ulema. Zaman sees the ulema as having the ability to utilise the new media to their advantage in defence of their authority. Zaman (2005) disputes the claim of some scholars who perceive the ulema as "a mere relic of the past, as having been entirely co-opted by the ruling elite, as altogether mired in an unchanging view of both Islam and the world and, in any case, as having little interest or importance to contribute to contemporary Islamic discourses" (p.62). Instead, he contends that:

The ulema have not only undergone significant changes in the modern world, they have often adapted in a variety of ways to the transformation around them and have thereby come to play roles of considerable importance in countries like Pakistan, India, Saudi Arabia, Egypt, Iran and elsewhere. These roles are varied and, while they can be usefully compared across Muslim societies, they are, in each instance, the product of particular configurations of local, national, and international factors (Zaman, 2005, pp. 61-62).

I situate Zaman among those scholars who question the notion of official ulema and co-optation. These scholars portray official ulema as a dynamic social group exercising influence over the ruling elites. According to Zaman, ulema contribute to building democratic and civil society (Zaman, 2005, p.62). Despite these challenges to the co-optation thesis, I argue that the perception of official ulema co-optation remains dominant not only in academia, but also in Muslims' everyday discourse. This was demonstrated during my interaction with the Muslim community in Indonesia and Malaysia throughout my fieldwork. The groups expressing most dissatisfaction of official ulema are, unsurprisingly, the ulema who refused to take up positions in the religious bureaucracies and state-sponsored institutions. These "non-official" ulema chose to participate in political parties or civil-society organisations (including ormas) instead of serving directly the state. Besides these unofficial ulema, other secular elites have questioned

the authority of official ulema.

Studies on Indonesian and Malaysian official ulema

After reviewing the literature on ulema generally, what can we discover from examining ulema in Indonesia and Malaysia that enlightens discussion of co-optation and capture? In this section, I investigate the literature on MUI (Majelis Ulama Indonesia or Ulama Council of Indonesia) and Malaysian official ulema. To date, there have been few studies that compare both countries' contemporary ulema.⁵² Azyumardi's (2004a; 2006) examination of the spread of Islam into the Malay Archipelago is the closest comparative work done on ulema in both countries, though his analysis concerns the seventeenth to eighteenth century Malay world. He traces the interactions of three Southeast Asian ulema—Nur al Din al-Raniri, al Sinkili, and Yusof Al Makasari—with the Middle Eastern ulema and how they contributed to renewal and reformist orientation in the Malay world. Other comparative works tend to focus on the writings and ideas of important religious elites, including professionals, politicians, intellectuals, and the ulema. The later chapters in Riddell's (2001) *Islam and the Malay-Indonesian World* compare the views and religious worldview of the ulema in the Malay world. In the same vein, Fealy and Hooker's (2006) *Voices of Islam in Southeast Asia* provides multiple voices of Southeast Asian Muslims, and features some of the contemporary ulema writings.

⁵² Existing comparative studies on Islam in Indonesia and Malaysia have focussed on the states' management of Islam (for example Fealy, 2005) and the study of personalities and groups' ideas, discourse and writings (Fealy & Hooker, 2006; Riddell, 2001).

Comparative works on official ulema in both countries have also focussed on fatwas. One is the edited volume by Abdul Monir and Wan Roslili (1998) entitled *Mufti dan Fatwa di Negara-Negara ASEAN*.⁵³ The articles in the volume describe the fatwa-making processes in Indonesia, Malaysia, Brunei and Singapore. Likewise, Hooker's (1997) article compares the themes of fatwas issued by the Islamic religious councils in Malaysia and MUI in Indonesia. Focussing on fatwas related to medical sciences (cornea transplant and blood transfusion), Hooker argues that the ulema in both countries insist on the stressing Islamic values in medical matters (p.22), though the contrasting interpretations of what constitute Islamic values result in dissimilar fatwas issued by the Malaysian and Indonesian official ulema. In all, scholars have badly neglected comparative studies of official ulema in Indonesia and Malaysia especially their broader roles as political actors within the state.

Studies on MUI in Indonesia

Generally, scholars have studied official ulema institutions from both countries separately. I now turn to the studies of MUI before examining the Malaysian official ulema. Mohammad Atho's (1993) thesis is the first to discuss MUI's fatwas during the New Order period. His thesis traces the methods applied by MUI members in producing fatwas. Atho argues that during the New Order MUI did not have a consistent methodology for issuing fatwas. MUI issued fatwas based on political and cultural circumstances. Atho contends that the MUI Fatwa Commission also issued fatwas to support Suharto's policies (p.119). He cites fatwas on frog breeding; the edibility of rabbit meat; the permissibility of mechanical slaughtering of animals; and family planning, to demonstrate MUI's

⁵³ The title can be translated as *Mufti and Fatwa in ASEAN countries*.

support of state's policies. Mohammad Atho's thesis tends to support the argument for strong co-optation of MUI, even though he mentions instances in which MUI goes against the state. The idea of MUI occasionally opposing the state is also supported by scholars writing before the fall of the New Order (Bruinessen, 1996; Hooker, 1997).⁵⁴

Most writings on MUI were published after 2000. Wahiduddin's (2004) study focuses on how MUI's fatwas have significantly impacted Indonesian laws (p.229). He observes that between 1975 and 1997, eleven fatwas were incorporated into Indonesian law. During Hamka's chairmanship (1975 to 1981), MUI's fatwas were incorporated into the RUU Narkotik (Narcotics Law) and RUU Kesejahteraan Anak (Children's Welfare Law). While none of the fatwas issued during Shukri Ghozali's chairmanship (1981-1984) formed part of any law, fatwas passed during Hassan Basri's tenure (1984-1998) were incorporated into at least seven laws (Wahiduddin, 2004, p. 229).⁵⁵ On the one hand, he concludes MUI has captured these aspects of the state during the New Order period. On the other, his work offers little evidence to suggest that these fatwas contradict the state's ideology, and more particularly, the regime's wishes.

Academics in the field of law have alluded to the doctrinal aspects of MUI's fatwa. Mohamad Abdun and Asnawi (2011), for instance, focus on MUI's fatwa on abortion. The fatwa reveals the dialectic between Islamic law and ethics on

⁵⁴ Van Bruinessen cites examples of the family planning program, and the Porkas lottery in the 1980s. There were disagreements within MUI, but the members chose not to voice their disagreements with the state publicly.

⁵⁵ Wahiduddin (2004) also deliberates on how MUI lobbied its fatwas so that they were incorporated into laws. During the New Order, MUI negotiated with the state through lobbying religious organisations and leaders from the pesantrens. However, on issues concerning public morality, MUI lobbies institutions that are closer to the state such as ICMI (p.231).

the one hand, and the state discourses and social norms on the other. The authors seek to demonstrate how MUI's fatwas can contradict the state's position, and in some ways, are progressive. Unlike ulema in many Muslim societies who totally object to abortion, MUI's fatwa allows abortion in the case of necessity (*dariira*) and need (*haja*): if a pregnant woman is suffering a life threatening disease such as cancer or tuberculosis; and if the pregnancy jeopardises the mother's life.⁵⁶ Abortion is also justified when doctors detect the foetus as incurably genetically defective. MUI's fatwa also justifies abortion for victims of rape.

Recent studies on the MUI in the post-Suharto era shift the focus from the doctrinal/legal aspects of MUI's fatwas to more legal/political ones.⁵⁷ To illustrate, Moch Nur (2005) argues that MUI fatwas changed from supporting the Suharto regime to occasionally opposing government policy. Comparing the behaviour of MUI during the governments of Suharto, Habibie and Abdurrahman Wahid, Moch Nur argues that MUI distanced itself from the state after the fall of Suharto, and brought itself closer to the perceived "orthodoxy" position. MUI also increasingly issued *tausiya*hs (advisories)—not fatwas—to comment on political issues and became more assertive in the public domain. The subject of MUI becoming more conservative and assertive than the New Order period is also discussed in Gillespie's (2007) article. He argues that the MUI's Fatwa No. 7/2005 opposing pluralism, liberalism and secularism, often

⁵⁶ MUI's stand on abortion is that termination can be performed before the 40th day of gestation. MUI however states that Islam forbids abortion from the time that a blastocyst implantation takes place within the mother's uterus, or when the pregnancy resulted from illicit sexual intercourse.

⁵⁷ These works focus on MUI's fatwas, with the studies published after 1998 focus on contentious issues such as apostasy, liberal Islam, and Ahmadiyah (M. Crouch, 2009; Gillespie, 2007; Moch Nur, 2005; Mohamad Abdun, 2014; Mohammad Atho, 1993; Nadirsyah, 2004; Syafiq, 2011).

known by the unattractive acronym SIPILIS manifests the institution's attempt to demarcate a new role in the public domain, one which is aligned with the ummat and the state. He highlights that recent developments in Indonesia manifest the conservative thinking underpinning the 2005 fatwa. Gillespie also suggests that MUI's building resentment over the dominance of pluralist religious thought in Indonesia resulted in MUI fatwa No 7 being released.⁵⁸

Nadirsyah (2004), on the other hand, focuses on fatwas, the method of handing them down; their sources; their relationship between national and local levels, and their subjects. He contends that it is not easy for MUI to satisfy both the society and government, and that it has to select its arguments very carefully in order to find a balanced way of helping Muslims deal with present-day problems not covered in the Quran and sunnah. Moreover, Nadirsyah accounts for the diverse kinds of fatwas issued by MUI, ranging from the conservative to the progressive. He questions how members from NU (Nahdlatul Ulama or Revival of Ulama) and Muhammadiyah, some of whom are also members of the MUI reconcile their differences for a collective fatwa (p.167). He points out that ulema at the national level are more moderate than those at the provincial level (p.174), and that the fatwas at the provincial level may contradict those of the national level. I agree with Nadirsyah's differentiation of ulema behaviour at the national and provincial level which strengthens my argument that MUI ulema do not constitute a homogeneous group.

⁵⁸ Gillespie also sees MUI as carrying the historical baggage as the main spokesperson for the New Order regime. But, MUI's continuing reliance on the government funding means MUI will continuously be accused of collusion and bias everytime it agrees with unpopular government policies, or that it will have an uneasy and difficult relationship with the government whenever there are disagreements. Gillespie remains sceptical of MUI's ability to demarcate a new role for itself in a rapidly changing Indonesia.

Syafiq (2011) discusses MUI's position on religious freedom. In demonstrating MUI's transformation from co-opted to independent, Syafiq recounts how Ali Yafie, a former MUI chairman (1998-2000), candidly asked President Suharto to resign in 1998 (Syafiq, 2011, p. 5). He then describes how MUI underwent three major shifts in the post-Suharto era. First, it tried to distance itself from the Abdurrahman Wahid government. Second, in 2000, MUI amended its basic ideology from Pancasila to Islam. This paved the way for MUI to represent the voices of the more radical groups. Third, MUI introduced the concept of *tenda besar* (big tent), in a way to embrace all the Muslim organisations in Indonesia (Syafiq, 2011, p. 7). Syafiq asserts that MUI has become the sole authority on *akidah* (faith) matters. MUI has been able to exercise its influence on the protection of the *akidah* since 2005 with the fatwa on Ahmadiyah, JIL (Jaringan Islam Liberal or Islam Liberal Network), Inkar Sunnah, Shia, Islam Jamaah, and Darul Arqam (Syafiq, 2011). I disagree with Syafiq's point that MUI's fatwas on *akidah* are the most authoritative amongst the ormas. MUI members who feel the institution's fatwas represent the interests of all Indonesians often make this claim. Muhammadiyah and NU ulema interviewed during fieldwork were critical of MUI fatwas, claiming that they are conservative and do not represent true Islamic principles.

There are also studies that shift the focus from central MUI to provincial MUIs, particularly their role in promoting attacks on "heretics." In his study of MUI East Java, Olle (2009) interviewed one MUI member to understand the institution's role in promoting religious violence. Olle believes that groups such as FPI (Front Pembela Islam or Islamic Defenders Front) conduct violent attacks on religious minorities in order to generate issues. He does not see MUI as an

institution that condones violence. However, Olle later contradicted himself by suggesting MUI supported attacks on "heretics" so that the state would ban these groups (p. 111). Similar to Olle's work, Moch Nur (2012) has conducted research on MUI in the Banten province. Moch Nur examines MUI Banten's contribution to the violence on Ahmadiyahs in the province (Moch Nur, 2012). He claims that the groups that attacked "deviants" have abused Banten MUI's fatwas on deviancy. I agree with Olle's and Moch Nur's findings on how local MUI fatwas have been used by violent groups to justify attacks on religious minorities. However, I suggest that the behaviour of local MUI members do not represent the behaviour of central MUI. During my conversations with central MUI members, some condemned the behaviour of their local chapters.

Three general conclusions can be drawn from the works on MUI discussed in the previous paragraphs. First, existing works portray MUI as having transformed itself from a loyal institution of the New Order government (1965-1998) to one that is more independent if not absolutely separate from the governments of Abdurrahman Wahid, Megawati Sukarnoputri and Susilo Bambang Yudhoyono. This transformation was accompanied by a paradigmatic shift from a state-centred institution to an ummat (people)-centred one (see for example comments by Moch Nur, 2005, 2010). Second, scholars are concerned about the increasing levels of conservatism expressed in the religious rulings of MUI especially during the post-New Order period. Scholars deem MUI's fatwas as encouraging groups such as FPI to attack Shias and Ahmadiyahs (M. Crouch, 2009; Moch Nur, 2013; Mohamad Abdun, 2014; Mun'im, 2013; Syafiq, 2011). Third, scholars place strong emphasis on the political intent of MUI's fatwas and that they strongly affected government policies. These scholars also

imply MUI's fatwas are widely followed by Indonesians (Nadirsyah, 2004; Ricklefs, 2013; Wahiduddin, 2004).

Studies on JKF-MKI, JAKIM and IKIM in Malaysia

The perception of state co-optation is dominant in discussing the behaviour of the Malaysian official ulema. Rais (1995, p. 249), for instance, believes that the state uses the official ulema as a tool to deflect any Muslim challenges. According to Rais, the Mahathir government instructed the JKF-MKI (Jawatankuasa Fatwa Kebangsaan or National Fatwa Committee) to issue a fatwa against the Darul Arqam movement in 1994, declaring the movement deviant. On the 6 August 1994, the Prime Minister's Office organised a special JKF-MKI meeting in Kuala Lumpur. The swift decision to ban the movement was significant because the committee meeting took place just three days after the deputy minister, Abdul Hamid Othman, suggested that the Darul Arqam be banned as soon as the muftis declared the movement illegal (Norshahril, 2010b, p.134). Normally, the committee takes months, if not years to issue a fatwa. Furthermore, for an issue to be discussed at the committee, at least one ruler has to raise it during the Council of Rulers meeting. The swiftness of the Darul Arqam fatwa prompts questions about whether it was the Malay rulers or the Prime Minister's Office that initiated the fatwa meeting.

Shiozaki (2010) views the Malaysian official ulema as having surrendered their autonomy to the UMNO (United Malays National Organisation) government. Shiozaki contends, "Ulema became bureaucratic under governmental control. Many ulema were institutionalised. Their authority and influence in society were

weakened" (p.101). He then points out UMNO's ability to weaken official ulema's influence. Shiozaki goes so far as to suggest that

The power to centralise and standardise the administration by the Federal Government is very mighty indeed. Islamic activities were also incorporated in the centralisation and the institutionalisation processes. In the process of bureaucratisation, ulema lost their autonomous position in Muslim society. Bureaucratized ulema lost their authority and influence in the Muslim masses. Islamisation policy enlarged the impact of Islam in Malaysian society. However, on the other hand, Islamic activities came under the control of the modern government. Islamic activities lose their dynamism if they stay under governmental control (p.103).

The subject of co-optation of the Malaysian ulema is central to Hamayotsu's (2005) doctoral thesis. She observes that the Malaysian state co-opts the religious elite in the same manner as the British colonial powers did. According to Hamayotsu, federal institutions co-opt the religious elite and the government mobilises and employs them to support its national development efforts (p.249). But co-optation does not only serve the interests of the state. She suggests that many of the ulema enjoy being close to powerful politicians and journalists. In addition, she claims UMNO co-opts JAKIM and IKIM ulema to support the state's agenda for their brand of Islam (p.267).⁵⁹

On the other hand, Maznah's (2013) study focuses on the processes that empower official ulema. She concludes that the authority of official ulema is tied to the bureaucratization of Islam, which resulted in the homogenization and the "ring-fencing" of the Muslim subject. Homogenization, she argues, is the outcome of the state's decision to accord religion official and codified definition, while ring-fencing involves expanding the spheres of social life under shariah. She sees homogenization and ring-fencing as resulting from: the empowerment

⁵⁹ It has to be pointed out that Hamayotsu's thesis was written during the early years of Abdullah Badawi government, and may not have incorporated the religious controversies that took place just before the 2008 elections.

of legal-bureaucratic Islam through the creation of federal institutions, the restructuring, multiplication and proliferation of the Islamic institutions at the *negeri* level; the inclusion of more provisions, regulations and laws under shariah statutes; and the harmonization of civil with shariah systems.⁶⁰ Maznah's work underscores the processes that raise official ulema's capability for capture of the state today. I agree with Maznah's analysis, particularly on how Mahathir's policies in the 1980s expanded the authority of official ulema. I would add also that Mahathir's policies were in line with the societal demands for greater Islamisation in the public sphere.

Other studies on Malaysian official ulema are descriptive and focus on the fatwa-making institutions (Hasnan, 2006, 2008; Hooker, 1993; Othman, 1981; Zulkifli, 2008a, 2008b). Hooker (1993) focusses on religious council fatwas from 1960s to the 1980s, while Othman (1981) discusses the evolution of the fatwa-making institutions in the various *negeri* as well as criticisms of these institutions in the 1980s. In 1981 Othman call for *negeri* to standardise fatwas and increase the number of experts in the fatwa committees.⁶¹ M.A Zulkifli's (2008a, 2008b) works focus specifically on the fatwa-making processes in Negeri Sembilan. He describes the significant changes occurring in Negeri Sembilan in 1999, where the *negeri* government granted the Chief Minister more powers than the ruler to appoint the mufti (p.16). Hasnan's (2008) work is broader than Zulkifli's as he gives an overview of the fatwa-making process in Malaysia.⁶² Hasnan's work

⁶⁰ Maznah (2013) argues that the harmonization of shariah involves two groups. The first group sees harmonization as in line with the expansion of the Islamic agenda. The second group, by contrast, genuinely seeks to synchronise the gaps between the shariah and civil courts. However, she posits that the first group is in the upper hand, and that most religious bureaucrats see UMNO as their patron (p.128).

⁶¹ In 1988, Mahathir took up this call through the upgrading of the official ulama institutions (discussed in Chapter Three).

⁶² See also Hasnan, 2006.

highlights the similarities and differences between fatwas passed by the religious council. He also highlights the method in which the rulers appoint religious council members in the various *negeri*. He then criticises the fatwa institutions' inability to standardise fatwas among *negeri*, its ineffective procedures, and incompetent shariah committee members (p.128-148).

From the works reviewed in previous paragraphs, it is clear the notion of Malaysian official ulema's co-optation (particularly by UMNO) remains strong in this field of literature. Non-official ulema (from NGO, opposition PAS, university lecturers) expressed the same impression during my interviews with them. Overall, the literature on the Malaysian official ulema's religious and political behaviour remains underdeveloped and under-researched. There is a strong focus, particularly from Malaysian academics, on the fatwa-making processes. What explains this lack of interest in studying more broadly official ulema? I suspect two main reasons: one, scholars assume that the behaviour of official ulema corresponds to state expectations, and two; many official ulema are inaccessible to researchers. During my fieldwork, Malaysian official ulema were careful not to disclose any "sensitive" information, as they are bounded by the 88/1972 Official Secrets Act.⁶³

Most of the existing studies on the Indonesian and Malaysian ulema focus on mass-based organisations and civil society. In Indonesia, many studies have examined NU (Bruinessen, 1994; Bush, 2009; Fealy & Barton, 1996; Suzaina, 1999), Muhammadiyah, (Nakamura, 1983; Noer, 1973), and Persatuan Islam or

⁶³ Among the contents of the Act is ensuring civil servants do not disclose any confidential information to foreign "agents."

Persis (Federspiel, 2001).⁶⁴ In Malaysia, scholars have researched on ulema as parts of political parties UMNO and PAS (Ahmad Fauzi, 2006; Farish, 2004; Funston, 1980; Kamarulnizam, 2002; Liow, 2004, 2009; Malhi, 2003; Müller, 2014; Mohamed Nawab, 2006; 2014).

Few studies have applied political science models in the study of ulema in Southeast Asia. Two exceptions that have applied such models are Suzaina's (1998) and Porter's (2002).⁶⁵ Porter (2002) uses corporatism to explain state-Muslim relations during the Suharto era, and dedicated two chapters to discussing NU and MUI. On the other hand, Suzaina applies Migdal's state-in-society approach to measure NU's responsiveness in its dealings with the New Order regime. Her study concludes that, "Despite enjoying the power of being a mass-based and autonomous grassroots movement, the inherent inability of the NU organisation to act as a cohesive political force weakened its overall bargaining powers vis-à-vis the Suharto regime" (1998, p. 372). Following Porter and Suzaina, this study hopes to engage interest-group politics theories to understand the interactions between the state, society, and the official ulema. The remaining sections of this chapter discuss these theoretical debates.

⁶⁴ In the Malaysian case, studies that examine the Muslim resurgence of the 1970s are popular amongst scholars (Chandra, 1987; Hussin, 1990; Jomo & Cheek, 1992; Liow, 2009; Nagata, 1984; Zainah, 1987). This was the period when the *dakwah* movement sprouted (discussed later in Chapter Five).

⁶⁵ Scholars have applied the corporatist in the examination of the European experience in forming Islamic religious councils. Laurence (2009) argues that state-Muslims relations in Europe which conform to the corporatist model drew their experience from how they managed Christian and Jewish groups in the past. His work also examines state-Muslim relations within the past 15 years, especially the establishment of quasi-monopolistic Islam councils by national interior ministries.

Theoretical debates: pluralism, corporatism, and state-in-society

Scholars in the field of Islamic studies generally accept the notion of official ulema co-optation. In this section, I explore how comparative politics concepts, particularly interest-mediation models, can be applied in this study to provide an alternative interpretation of official ulema behaviour. Characterising religious institutions as interest groups is not novel. Warner's (2000) *Confessions of an Interest Group: The Catholic Church and political parties in Europe* describes how churches across Europe behaving like any other interest groups articulating needs, mobilising voters, establishing alliances with political parties and state elites in order to entrench their influence in society.⁶⁶ Throughout this theory review, I ask two questions. First, can these models be aptly applied to the Indonesian and Malaysian official ulema? Second, how useful are these models in explaining the co-optation/capture dynamics of state-official ulema relations? The interest-mediation models debate has undergone several developments since the 1960s. The trend has shifted from pluralism (1960s), corporatism (1970s to 1990s) to the state-in-society approach (since 2000). In this section, I review the pluralist and corporatist models. This will be followed by a discussion of Migdal's state-in-society approach.

Pluralism: Reality or Ideal?

Pluralism, as a school of thought, is based on the Western and European experience of democratization and industrialization. The underlying philosophy of pluralism is the rejection of the tyranny of the majority and it shares many of

⁶⁶ In her book, Warner (2000) argues that the Catholic Church behaves like an interest group akin to a "firm in a market seeking a supplier of goods" (p.4). She controversially applies the rational-choice theory or cost-benefit analysis in characterising the behaviour of the Catholic Church.

the principles of neo-classical economics: many vendors restrain other sellers from raising prices to consumers (Schwartz, 1998, p. 5). Schwartz argues that in the pluralist model, equally powerful and multiple sets of leaders exist, each of them commanding different political resources. Some may have control over voters and organisations, others control money and economic resources, and still others control mass media and public image (p.3-5). The pluralist model ensures conflicting interest groups are free to enter the public sphere, and since society is far too fractionalised, not one of these groups can dominate the public sphere.

Nevertheless, political scientists cannot agree on whether the pluralist model exists in reality, or only as an ideal. Does competition between interest groups, dispersed inequalities, and countervailing power—qualities of pluralism endorsed by proponents of the model—exist in reality? In truth, some interest groups are inevitably more powerful than others and the larger, powerful groups often succeed in carving out niches for themselves within public decision-making bodies. Powerful actors in society can mobilise their political and social values within institutions, and restrict public debate to issues they deem important. Taking the case of Islamic representation in Indonesia as an example, no other interest group matches the membership size, support, and resources of the mass-based organisations NU and Muhammadiyah. In Malaysia, political parties UMNO and PAS have been the most dominant actors in shaping the Islamic discourse since the 1940s. Thus, pluralism's assumption that barriers of entry are fluid is largely unrealistic when applied to the Indonesian and Malaysian context. The pluralist model, therefore, is best seen as an "ideal" type when discussing interest-group politics in the current

Furthermore, interest groups have to work within the values and principles underlined by the well-organised, resource-rich groups. As Schwartz (1998) rightly points out, "the organised and active interests of small groups tend to triumph over the unorganised and unprotected interests of larger groups" (p.8). In Indonesia and Malaysia, organised groups, such as Golkar (Golongan Karyawan or The Party of Functional Groups), NU, Muhammadiyah, UMNO, and PAS are better placed than other groups to dominate the Islamic agenda. Organised groups with long histories tend to be more successful pushing their agendas than less organised ones. Thus, I perceive pluralism as too idealistic in its assumptions.

Corporatism: The notion of the "strong" state

Corporatism, in many ways, presents a challenge to pluralism. However, significant to this study, the model's assumptions bear the traits of strong states and co-optation. In 1974, Schmitter wrote a very influential essay *Still the century of corporatism?* refuting the proponents of the pluralist model. Schmitter defended the relevance of corporatism in modern-day politics by pointing out the model's different forms. He argues that the state plays the leading role in structuring and regulating interest groups; organizing them along functional rather than class lines; regulating, creating, and setting the ground rules for the

⁶⁷ Even countries where pluralism is believed to have originated from, such as the US, cannot claim to have fully met all the assumptions of the model. In reality, there is never an equality of conflict as pointed out by the model. According to E.E Schattschneider, all forms of political organisation are biased in promoting a particular kind of conflict and suppressing some other forms of conflict (cited in Schwartz, 1998, p. 6). Sharing this view, Williamson (1989) argues that dominant groups restrict the decision making process to relatively innocuous issues and manage to exclude more fundamental issues those which defines the nature of the system itself (p.57).

organised internal activities of given interests categories, and the internal interactions between groups and the state (Porter 2002). According to Schmitter

Corporatism as a system of interest representation in which the constituent units are organised into a limited number of singular, compulsory, non-competitive, hierarchically ordered and functionally differentiated categories, recognized or licensed (if not created) by the state and granted a deliberate representational monopoly within their respective categories in exchange for observing certain controls on their selection of leaders and articulation of demands and supports (Schmitter, 1974, p. 94).

The corporatist model is often associated with the presence of the strong state.

Williamson's (1989) elaboration of the concept confirms this

It (corporatism) is also widely referred to as the regular and close involvement of the organised interests with the public bureaucracy and ministers in the formulation of policy, which in most instances economic policies. Corporatism involves the licensing, recognition, compulsory membership of designated categories. By and large, the state ensures controlled emergence, numerical limitation of interest organised groups (p.9).

Wiarda's (2009) definition of corporatism also fits the model's close association with the notion of the strong state. He defines corporatism as "a system of social and political organisation in which major societal and interest groups are integrated into the governmental system, often on a monopolistic basis or under state guidance, tutelage and control, to achieve coordinated national development" (p. 93).⁶⁸ Although he applies the model to Latin America and Northern Europe, Wiarda does not see corporatism as unique to these countries. The model's close association with the strong state makes it attractive for political scientists to match it with Indonesia and Malaysia (Hsiao, 2001; King, 1977; MacIntyre, 1994; Porter, 2002). Hsiao (2001) even uses the term corporatism and authoritarianism interchangeably.

In corporatism, the state accords "peak" organisations or associations, which

⁶⁸ According to Wiarda, the role of the state in this system, and its relation to the main corporate or societal interest groups, make up a political society.

act as its agents, representational monopoly over constituent members.⁶⁹ The state indirectly disciplines and control the behaviour of the members, making them conform to the goals of the state. Only a "selected" few have the right to represent their interests to the state. Representation is however restricted to state-determined rules, values, and *modus operandi* because of the institutional, financial, and authoritative dependence upon the state.

Porter (2002) classifies the New Order state's management of Islamic interests as corporatist and MUI as the "peak" organisation representing Muslim interests.⁷⁰ He claims that MUI members can convey Muslims' interests to President Suharto through the Minister of Religious Affairs, and liaise directly with the military in a special joint committee Social Communication (Kosmos) on religious issues related to national security (p.78). This corporatist arrangement gives the impression that the state co-opted MUI members. According to Porter (2002)

Its tendency to issue fatwa and pronouncements in support of government policy measures left MUI exposed to accusations by independent ulema and Muslim intellectuals that it furnished religious opinions and viewpoints primarily in order to satisfy the regime's wishes (p. 78).

I concur with Porter's opinion that MUI members issue fatwas to support the government. They issued these fatwas because the Suharto government stipulated their role was to support and translate the government's policies. Nevertheless, there were instances in which MUI's fatwas went against the New Order's wishes.

Nevertheless, recent studies on interest-group politics in China, Japan, and

⁶⁹ Chalmers (1985) argues that corporatism starts with the state and defines group interests in terms of their relations with the state.

⁷⁰ Nonetheless, Porter (2002) also suggests that there are varieties of corporatism (p. 10-12).

South Korea challenge the assumption of associating corporatism with the strong state and co-optation. These challenges came from scholars who utilised the civil society paradigms and state-in-society models (discussed a bit later). Extensive fieldwork, as well as analysing policy papers and official reports, enabled these scholars to understand the implicit and indirect challenges to state power, amidst perceived co-optation (Bian, 1997; Koo, 1993).⁷¹ Even the proponents of corporatism point at the possibility of society playing a leading role vis-à-vis the state within corporatism as analysis moves away from the national to the sub-national (O'Donnell, 1977; Williamson, 2010). While corporatism at the national level focuses on the involvement of elite and key state actors and members of state institutions, studying the meso-level corporatism or micro-level corporatism gives a more nuanced picture of the nature of relations, particularly with the non-state sectors (Williamson 1989, p.146).

Schmitter (1974) pointed out the need to move away from analysing corporatism as a state-led process. He distinguished societal-corporatism from state-corporatism. Societal corporatism refers to liberal and democratic arrangements whereas state corporatism refers to the more authoritarian context. Agreeing with Schmitter, Schwartz (1998, p.12) argues that, "The authoritarian state will attempt to enforce social peace by deliberately

⁷¹ Criticisms of corporatism not only come from the proponents of the pluralist model, but also from the followers of the model as well. Challenges to corporatism have led to many of its proponents pointing out the model's different variants. Some remain sceptical about situating corporatism as a theory and believe that corporatism is mainly an aspect of the continuum of pluralism not to be treated as a theory on its own. Williamson (1989) argues that corporatism theorists largely focus on theoretical and conceptual issues rather than the empirical findings (p.66). Hence, he urged one to distinguish "descriptive" corporatism and "theoretical" corporatism, the former emphasises of empirical data whereas the latter on the level abstraction. Williamson's criticism is compelling when it amounts to the model being applied to Muslim interests.

destroying incipient pluralism, repressing the autonomous articulation of subordinate class demands through the imposition of interest organisations from above." Corporatised interest groups can "lighten the load of parties, parliaments, and public servants and contribute to governability by aggregating demands as well as articulating them, formulating and implementing policies as well as lobbying them" (Schwartz, 1998, p.12).⁷²

Many of the assumptions pointed out by the corporatist model remain valid in the context of Indonesia and Malaysia, especially in modelling interest-group politics during the non-competitive political environments under Suharto and Mahathir. McIntyre (1994), Hadiz (1994), King (1977) and Milne (1983) have applied the corporatist model in relation to the labour, agricultural, military, businesses and trade union sectors. The popularity of this framework is understandable given the dominance of the strong state or the developmental state theses in explaining the success of the Southeast Asian Tiger economies during the 1980s to the early 1990s. Nevertheless, recently, the state-in-society perspective has challenged the corporatist approach.

State-in-society: The limitations of the strong state

Corporatism has become less fashionable in modelling interest mediation between state and society. Even the model's proponent, Wiarda (2009) conceded that in the 1980s and 1990s corporatism went into decline (p.100).

⁷² According to Schmitter (1974): "Societal corporatism is found imbedded in political systems with relatively autonomous, multi-layered territorial units; open competitive electoral process and party system; ideologically varied, coalitional based executive authorities- even with highly "layered" or pillared political subcultures. State corporatism tends to be associated with political systems in which subunits are tightly subordinated to central bureaucratic power; elections are non-existent or plebiscitary; party systems are dominated or monopolized by a weak single party; executive authorities are ideologically exclusive and more narrowly recruited and are such that political subcultures based on class, ethnicity, language or regionalism are repressed" (p.105).

The reasons he cited for its decline were: the third wave of democratization that began in Eastern Europe and Latin America, lowering of tariffs barriers and greater mobilization as a result of the formation of the European Union; the end of the Cold War in 1989; the acceptance of the Washington Consensus, and globalization (p.100). The model's decline has given way to the state-in-society approach proposed by Migdal (2002). My classification of state-in-society as an "approach" is deliberate because it never attempts to function as a model, but depicts state-society relations as being more complex than pluralism and corporatism assumes. I make this claim even though Migdal has classified the state-in-society idea as a model. Migdal counters the stark-contrast portrayal of states as autonomous and effective on the one hand, and ineffective on the other. Migdal argues that the practices of the state must be distinguished from the idea of the state itself (2002, p.70), where the state and society are not seen as dichotomous social entities.

Migdal challenges the notion that states are the prime movers of macro-level societal change as corporatism scholars often portray them. He argues that domestic environments constrain the actions of states, more often than not. "The autonomy of states, the slant of their policies, the preoccupying issues for their leaders, and their coherence," Migdal contends, "are greatly influenced by the societies in which they operate" (2002, p.76). In return, states present opportunities and constraints that mould social organisations and structure society. Thus, the state-in-society approach does not mean the role of the state should be ignored, as the state has made a large imprint on the vision of society. Instead, the state remains a core analytical category, although scholars should not treat its authority as omnipotent (White, 2013, pp. 7-8).

Thus, Migdal's state-in-society approach generates a rethinking of the functioning of strong states. Contrary to how states try to portray themselves to their citizens, their powers are limited. Applying Migdal's approach, Klinken and Barker's (2009) edited volume shows that the Indonesian state is not composed of static rulers in closed institutions, single, homogeneous and coherent entities. There are divisions and inherent contradictions within the state. Klinken and Barker argue that the focus on studying states ought to be on their strategies and relationships and less on their structures. They countered that societal forces also deploy tactics and techniques of rule towards their states (p.7). These strategies vary, and they can be in the form of formal (through laws, institutions, and policies) or informal (through personal relations and political culture).

In sum, both the corporatist and state-in-society theories provide a very sound theoretical basis for this study. For the case of Indonesia and Malaysia, the state-Islam dynamic is characterised by corporatism, at least during the Suharto and Mahathir years. Both the Indonesian and Malaysian states attempted to contain and channel religious dialogue into formalised structures. Mahathir, for instance, increased centralisation by giving more powers to federal-based Islamic institutions to control Islam, such as JAKIM (Maznah, 2010). A similar thinking ran through Suharto's formation of MUI in which the institution was promoted as the highest legitimate body to represent Muslim interests, above

the larger mass-based organisations NU and Muhammadiyah.⁷³ Nevertheless, the theoretical premises found in the state-in-society approach, which points out the relations between the state and society are not conspicuously dichotomous, and that the state and society may influence one another in many different ways, provokes one to re-think the general assumptions made in corporatism, especially its close association with the strong state and co-optation.

Building on the state-in-society approach, this study investigates the ways states and the official ulema in Indonesia and Malaysia construct their authority vis-à-vis one another. This is in line with the approach's analysis of state and "practices" rather than their "images" (Migdal, 2001b; White, 2013). I contend that the framework of state capture depicts the way in which the official ulema influence the state and capitalise co-optation. Applying the concept "capture" is in line with Migdal's assertion that the state does not have a monopoly over rule-making. However, "co-optation" and "capture" are not a zero-sum game. The official ulema may be fulfilling their own interests and capturing the state while being co-opted. In addition, applying the concept "capture" does not render corporatism and the state-in-society models irrelevant. The use of "capture" is only meant to investigate the deeper processes societal actors use to influence the state.

⁷³ The desire to mediate the difference between the two rival organisations is seen in the unspoken arrangement where the chairmanship of MUI is rotated between the members of NU and Muhammadiyah.

Defining state capture

I mention in Chapter One that my reference to "capture" is in line with Migdal's approach of focussing on practices rather than images of states and societies. The concept "capture" covers the ways in which societal actors (in this case official ulema) construct their authority in relation to the state. I define "capture" as the processes in which groups or individuals regulate or control key decision-making units in the state, which later can be used as avenues to influence laws, policies, decrees, regulation, and appointments. "Capture" is successful when firms can shape the rules of the game in their favour (Hellman, Jones, & Kaufmann, 2000, p. 5; Yakovlev, 2006).⁷⁴

Stigler (1971) was probably the first to introduce the concept of capture (known as state capture or regulatory capture) in the field of political economy.⁷⁵ In his seminal work *The Theory of Economic Regulation*, Stigler examines how state-formed regulatory agencies serving the public's interest began to be drawn closer to industries they were supposed to control. These industries later shaped regulations, and applied pressure to repeal existing regulations, and set prices and rates in their favour.⁷⁶ In other words, interests groups influenced the outcome of the regulatory process by providing financial or other support to politicians or regulators (Peltzman, Levine, & Noll, 1989). Scholars apply the concept to post-authoritarian cases. Frye (2002) applies "capture" to cases of business lobbying in Russia contending, "Powerful firms have hijacked the state

⁷⁴ Hellman, Jones and Kaufmann distinguish state capture from influence and corruption. They define influence as firm's capacity to have impact for the formation of basic rules but do not involve any payments; influence may be established through of constant interactions and meetings. On the other hand, they define corruption as private payments to public officials to distort the prescribed implementation of official rules and policies.

⁷⁵ According to Peltzman, Levine and Noll (1989), the concept was introduced in 1955 by Marver H Bernstein.

⁷⁶ For discussion of Stigler's work, see Etzioni, 2009.

for their own narrow purposes at the expense of broader interests within society. Having captured the state, these influential firms extract benefits while paying little in return for their influence"(p.1020). Another work that has applied the concept, although not referring to the term capture specifically, is Ganev (2007). He examined the state of Bulgaria after the communist regime crumbled in 1989. Ganev argues that the end of the party state sparked off "competitive redistribution of information, institutional wherewithal, and logistical resources" (Ganev, 2007, p. 34).⁷⁷

In this study, capture exists when the official ulema act in a way that is contrary to the state's wishes and use the state's instruments to fulfil their own personal and material interests beyond what has been originally allocated as a result of co-optation. Capture occurs when ulema lobby for their own agenda different from the state's when they are originally co-opted to support the state's. I am also applying the concept to include both the tangible and intangible aspects of policy-making. Thus, state capture is not restricted to the ulema's ability to influence or shape policies, laws, monetary and business contracts through direct communication with state officials. It includes ways official ulema shape the religious discourse and public opinion which can then put pressure on the state to alter their policies.

Although the concept of capture is often associated with crony capitalism, it is not necessarily corrupt or illegal. Capture may be beneficial for the community.

⁷⁷ One arena where capture existed was in the control of key information. After decentralization and diffusion of unions occurred in post-communist Bulgaria, there were claims that much key information was lost in the process. Ganev however argued that information was not lost, but was reappropriated by those who had access to it. The group that had the advantage to monopolise the information was the former communist party members. This information was important to those who had plans to use it in the future (Ganev, 2007, p.54).

For instance, a person capturing the state may use the powers given to him to keep the ruling elites' authoritarian power in check. A person who captures the state may also influence policies that bring economic good for the religious community. Also, capture should not be equated with the desire to deceive the state. In some instances, a person who captures the state has the genuine desire to develop his community with the belief his actions are sanctioned by religious values.

As mentioned in Chapter One, several ideal-type measurements have been crafted to determine what constitutes successful capture and co-optation. The following five questions may serve as guides to determine the degree of capture. First, to what extent have the official ulema influenced state policies? Conversely, are official ulema legitimising state policies? Capture is deemed strong when the official ulema are able to change the initial policy positions of the state. One of the main challenges to measuring co-optation or capture is the difficulty attributing what or who triggers policy shifts. Furthermore, most of the discussions concerning state policies are undertaken under much secrecy and at the cabinet level. One way of bypassing this is to look at official ulema public statements, and see if there are significant government changes to comply with the ulema's requests. In contrast, co-optation is considered successful if the state is able to carry out their policies despite being urged by official ulema not to do so.

Second, are official ulema able to affect power relations through influencing the appointment of state personnel, or are these appointments already determined by the state? Capture is deemed strong when the official ulema are able to

pressure the government to lobby members from the same organisations, families, friends, or cronies into important decision-making positions. In the same vein, official ulema can also pressure the government to appoint fellow ulema or allies to key positions within the religious bureaucracies. Co-optation is deemed strong when the state can resist official ulema requests to determine how appointments are carried out, or who should be appointed.

Third, can the state religious bureaucracies and institutions enhance official ulema's authority to make religious, social and political pronouncements that affect policies in those areas, or do these platforms constrain their ability to make independent religious rulings? If the official ulema are able to make religious rulings that are generally followed by the state and society, then capture is deemed successful. In contrast, if these state institutions restrict the ability of official ulema to make autonomous religious judgment, then co-optation remains strong.

Fourth, to what extent do ulema seek to dominate discourse or counter the interests of the state, or are the opinions expressed "scripted" and determined by the state? Capture is deemed strong if official ulema can exclusively determine what Islam is and what is not. It also means that their opinions cannot be challenged by the other ulema and even state officials. In contrast, co-optation is deemed strong when the official ulema only comply unquestioningly the positions and statements undertaken by the state.

Fifth, to what extent do these state bureaucracies and institutions give the official ulema access to material and other resources that help them achieve

other goals, apart from the material benefits already provided by the state for loyalty? One trait of co-optation is that official ulema legitimise and support the ideology of the state and they are rewarded for that. However, capture is deemed to be strong when the official ulema are able to set the terms and conditions on how much they are supposed to be rewarded. Capture is also deemed strong if they are able to use their positions of power to establish other networks than those originally intended by the state. These new networks have the potential to rival state ones.

However, there are limits to the concept capture given the subjectivity of measuring intent. In political economy, measuring intent is clear: interest groups infiltrate institutions with the aim to change and reverse policies for their own gain. Measuring intent is not as clear-cut in the case of the ulema because the fact that they may have different views to the state does not automatically mean capture. One way to overcome this limitation is to consider ulema speaking against the basic parameters underlined by the state—its governing principles, the constitution, and ideology—as capture. For Indonesia, this parameter is Pancasila and for Malaysia, Rukunegara. I consider these acts capture because the ulema did not conform to what the state expected them to do: to explain government's policies to the people.

Moreover, having ulema speaking against the government does not automatically constitute capture. In political economy, interest groups, business enterprises and policy makers also voice their disagreements with politicians, privately and publicly. To reiterate, the study only considers capture when ulema speak against the state with the explicit aim to monopolise the discourse or

decision-making processes. These can be measured through their discourse and actions. For example, the ulema body can explicitly indicate in their media releases that the state includes their members in censorship boards. By doing so, they hope the state recognises their authority to define public morality. They could request the state to amend legislation to give ulema the authority to issue halal certificates. In another example, the ulema body demanded the government exclude rival groups or individuals from policy-making institutions.

Another limitation related to measuring intent is whether ulema are motivated by personal interests or religious interests. For example, do the ulema join state institutions to gain prestige, and earn a stable income, or do they feel they could forward their Islamisation agenda by obtaining state power? There is certainly no way of ascertaining these questions, but I am inclined to believe that both elements are present. In truth, I would argue that the ulema are capturing the state out of religious conviction more than fulfilling personal interests. The generation of official ulema today are raised in a social milieu that is anti-West. They believe Westernisation erodes Islamic dogmas, values, and culture by promoting hedonism, materialism, and liberalism. Some ulema equated Westernisation to Christianisation. It is unsurprising that their discourse is interested in developing Islamic societies that challenge the existing order by replacing with a pure Islamic one. The official ulema feel that the way to achieve this is to be part of state structures and Islamise them from within.

Conclusion

This chapter observes several key themes in the general literature on the ulema, and more specifically on MUI and Malaysian mufti. The chapter

concentrates on the general portrayal of the official ulema and their dealings with the state. The themes uncovered here are useful for the later parts of this study, and for answering the central questions of the study of the extent to which ulema capture the state while simultaneously being co-opted by it.

Generally, Islamic studies scholars perceive the nexus between official ulema and co-optation as very strong. This perception is also dominant amongst Muslims. However, there have been works that challenge this perception. I hope to contribute to this body of work that challenges the premises of co-optation theory. One way of challenging co-optation theory is to apply interest-mediation models in the field of comparative politics. I contend that Migdal's state-in-society approach is relevant to challenging the co-optation thesis, more so than the pluralist and corporatist models. The concept state capture, originally discussed in political economy, is useful by way of extending Migdal's approach, especially in discussing societal actors' behaviour of capitalising even when co-opted. It is hoped that this study can engage critically with these existing works, not only on the ulema in Southeast Asia, but also the broader Islamic world.

More importantly, applying the concept capture is meant to question the conclusions of existing works on official ulema behaviour in Indonesia and Malaysia. As discussed, works on MUI are more developed than works on the Malaysian JKF-MKI, JAKIM and IKIM. There are generally three conclusions made by existing works on MUI: MUI is more assertive towards the state now than in the New Order period; MUI has become more conservative since 2005; and MUI's fatwas are influential in shaping public behaviour. On the other hand, works on Malaysian official ulema are mostly limited to issues of co-optation

and the fatwa-making processes.

Chapter Three

Official ulema institutions in contemporary Indonesia and Malaysia

States build ulema institutions to issue fatwas or advise them on Islamic matters. In Indonesia, MUI (Majelis Ulama Indonesia or Ulama Council of Indonesia) functions as the country's national ulema institution, which issues fatwas through its Fatwa Commission. In Malaysia, the state formed the MKI (Majlis Kebangsaan Bagi Hal Ehwal Ugama Islam or National Council for Islamic Religious Affairs Malaysia), which hosts the JKF-MKI (Jawatankuasa Fatwa MKI or National Fatwa Committee) for similar purposes. It also formed the federal institutions JAKIM (Jabatan Kemajuan Islam Malaysia or Department of Islamic Development Malaysia) and IKIM (Institut Kefahaman Islam Malaysia or Malaysian Institute for Islamic Understanding) to support the JKF-MKI in co-ordinating fatwa discussion and research with *negeri* religious councils. In this study, as far as official ulema are concerned, the comparison is between the MUI and the JKF-MKI. Nonetheless, JAKIM and IKIM leaders will also be considered as institutions for Malaysian official ulema, given the significant supporting role they play for JKF-MKI.

At face value, MUI and JKF-MKI look to be very different institutions. The amount of funding MUI receives from the Indonesian state is only a fraction of that which JKF-MKI gets from the Malaysian state, despite Indonesia's Muslim community being fourteen times bigger than its neighbour. In addition, MUI

members appoint their own leaders, while the Malaysian muftis are ex-officio members of the JKF-MKI with other appointments in the committee determined by Malay rulers. Ulama from ormas and civil society make up the majority of MUI membership, though state officials are also represented on its advisory board. In contrast, JKF-MKI consists of muftis, JAKIM officials, representatives from *negeri* religious councils, and academics. Overall, MUI's functions combine those of a religious bureaucracy and an NGO, whereas JKF-MKI is part of the state's structure assisted by a bureaucracy.

Despite these differences, I will make the case for comparing MUI and JKF-MKI and why this comparison has merit. The main reason for the comparison is to understand capture and co-optation processes. Both institutions contain units actively involved in state capture, and they include units responsible for issuing fatwas, overseeing shariah economics, managing halal certification and determining public morality. Moreover, these two institutions have similar origins and functions: they were formed by authoritarian leaders as national ulama institutions to issue fatwas. In addition, their membership is made up of individuals with similar objectives. Ulama from both countries agreed to participate in these bodies in order to increase their influence within their respective states. The politicians in these states, in return, sought to advance their political and economic objectives through co-opting the ulama.

This chapter begins by first describing MUI's origins, functions, structure, and relations with regional branches. Then, a similar discussion on JKF-MKI will follow. The chapter will then examine the functions of JAKIM and IKIM because

these federal institutions complement the JKF-MKI by acting as its public relations, administrative, and research arms.⁷⁸ At the end of the chapter, I discuss the reasons why MUI and JKF-MKI are comparable cases, and why this comparison is important to understand the co-optation/capture dynamics of the official ulema in Indonesia and Malaysia.

The Majelis Ulama Indonesia (MUI)

In 1975, Suharto formed MUI as a religious advisory body and a national ulema institution. MUI was, however, not the first state-sponsored ulema institution in Indonesia. In 1958, President Sukarno established an ulema council in West Java (M. Crouch, 2009, p. 7). In 1965, the Aceh Ulama Council was formed, and its task was to explain government policies on development for the local people. In the 1970s, its roles included helping the Suharto government suppress GAM (Gerakan Aceh Merdeka or Aceh Freedom Movement); developing national unity amongst Acehnese; and most importantly, supporting Pancasila (Feener, 2013, pp. 100-102). However, the authority of these councils was limited to their respective regions. MUI was the first ever nation-wide ulema institution in Indonesia, and it was made directly accountable to the president and Kemenag (Kementerian Agama or Religious Ministry). In fact, the Aceh Ulama Council was subsumed as its Aceh branch.

In the following paragraphs, I describe contemporary MUI's functions, structure,

⁷⁸ Analysing these institutions' current organisational structure and functions is relevant to the discussion in the next chapter. In Chapter Four, I discuss the historical and political context that led to their formation or evolution. In a snapshot, contemporary official ulema institutions are by-products of the Indonesian and Malaysian states' attempts to contain the rise of Islamic piety and PAS in their respective countries.

and relations with its branches. From this description, I demonstrate that MUI's structure has not changed since the New Order period. However, after the fall of the New Order, significant differences exist in the ways MUI appoints leaders and members and how its role has expanded.

Functions

Suharto claimed MUI was established to explain the activities and concepts of national and local development on behalf of the government.⁷⁹ In 1975, at the opening of MUI's first MUNAS (Musyawarah Nasional or General Assembly), Suharto said

[MUI's role is] To translate concepts and activities of national or local development for the people, give advice and opinions to the government concerning religious life, mediate between the government and the ulama and to discuss the problems related to the duties of the ulama (Moch Nur, 2005, p. 48)

Given the roles Suharto had set out for MUI, the institution bears the traits of a "quango" (quasi-autonomous non-governmental organisation) similar to those found in Commonwealth countries, rather than a statutory board or an NGO.⁸⁰ A quango is a body that carries out government functions and attains the status of "quasi-autonomous" bureaucracy (Heywood, 2002, p.368). It allows the government to call on its experience, expertise and specialist knowledge of outside advisors and reduce the burden of work for official government departments and agencies. A quango also receives funding from the government.

I consider MUI a quango because it undertakes work not assigned to any other government agencies or statutory boards, and receives state-funding for the

⁷⁹ The state's co-optation strategies will be discussed in Chapter Five.

⁸⁰ MUI's resemblance of a quango is also pointed out by Lindsey, 2012c, p. 255.

work it does, which currently amounts to US \$300,000 (A\$345, 300) a year.⁸¹ In many other Muslim countries, the religious bureaucracy consists of ulema departments responsible for providing religious guidance or opinions to the masses. One example is MUIS (Islamic Religious Council of Singapore), which is a religious bureaucracy that oversees the office of Mufti. In Indonesia, the ulema council, which issues fatwas, is separate from the Kemenag (Religious Ministry). Since there is no duplicity in terms of the role played by MUI and Kemenag, it is fair to refer to MUI as a quango. During the Suharto period, MUI generally took orders from the state. The study admits, however, in the post-Suharto period, there have been instances where MUI wanted to chart its own course (Lindsey, 2012c, p.256). Yet, MUI retains most of the functions assigned by the Suharto government.

MUI's primary role in the post-New Order period is to discuss, research and issue fatwas and religious advisories.⁸² The department within MUI responsible for issuing fatwas is the Komisi Fatwa (Fatwa Commission), which is headed by a *Ketua* who is assisted by five vice-heads.⁸³ The Fatwa Commission's current Head is Hasanuddin. Members of this commission—51 in all—exercise collective *ijtihad* (consensus) filling the role of a grand mufti found in many other Islamic countries. MUI issues fatwas only when the state or any MUI branch sends formal queries and most of its fatwas are issued during MUNAS. Figure 1 demonstrates the number of fatwas issued by the MUI fatwa commission from

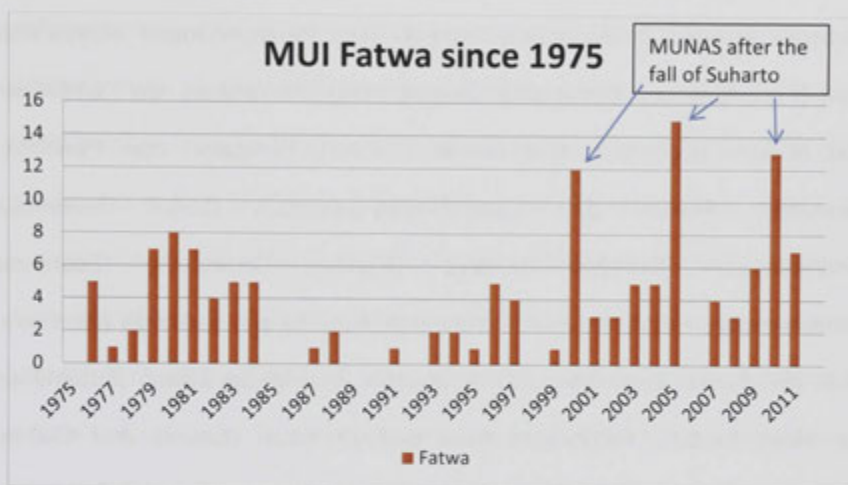
⁸¹ Interview with Ichwan Sam, 3 December 2012. He mentioned that government funding was RP 3 trillion a year.

⁸² Its role as translators of the state's national and development policies have ceased. MUI is not the only organisation to issue fatwas. Ormas such as Persatuan Islam (Persis), NU, and Muhammadiyah issue fatwas for their members (Gillespie, 2007). In fact, these ormas hope for broader influence via fatwas. However, MUI's role as a national body is recognised at the international level. JAKIM, for instance, has acknowledged MUI as Indonesia's national fatwa-making body.

⁸³ See Appendix 2# for the list of MUI Fatwa Commission members.

1975 to 2011. The figure shows that the MUI Fatwa Commission has been more active in issuing fatwas during MUNAS after the fall of the New Order in 1998.⁸⁴

Figure 1. MUI fatwa since 1975



Apart from issuing fatwas, MUI also releases religious advisories which take the form of advice (*tausiyah*), admonition (*tazkirah*), appeal (*himbauan*) and contribution to thought (*himbauan pemikiran*). There is another higher form of advice, an instruction (*amanat*), which is seen as a stronger directive to society than a fatwa (Kaptein, 2004; Moch Nur, 2005). MUI was more active issuing these advisories after the fall of the New Order in 1998.

⁸⁴ The quantity and quality of MUI's fatwas vary under one chairman to another. When Ibrahim Hosen was chairman of the Fatwa Commission (1980s), MUI was known for issuing controversial fatwas supporting the state (Feener, 2007, p. 163). Under the chairmanship of Hasan Basri (1985 to 1998), the Fatwa Commission issued fewer fatwas compared to the previous years. Hasan was known for not wanting to harm MUI's relations with Suharto. Interview with a DSN-MUI member, 12 August 2014.

MUI undertakes many other functions as well as being a fatwa-making body. It now has 12 commissions and five institutions that oversee these different functions. A Head (*Ketua*), supported by a committee made up of five or six members, chairs each of these commissions and institutions. The 12 commissions cover areas such as: Fatwa (Religious Legal Opinions); Ukhawah Islamiyah (Islamic Brotherhood); Dakwah dan Pengembangan Masyarakat Islam (Preaching and Community Development); Pendidikan dan Pembinaan Seni Budaya (Education and Islamic Culture); Pengajian dan Penelitian (Research); Hukum dan Perundangan-undangan (Legal Research); Pemberdayaan Ekonomi Ummat (Muslim Community Economic Empowerment); Pemberdayaan Perempuan, Remaja dan Keluarga (Women's, Youth and Family Empowerment); Informatika dan Media Massa (Information and Mass Media); Pembinaan Seni Budaya Islam (Islamic and Culture Development), Kerukunan Antara Umat Beragama (Interfaith); and Hubungan Luar Negeri (Foreign Relations). The five institutions are: LPPOM-MUI (Lembaga Pengajian Pangan, Obat-Obatan, Minuman dan Kosmetik or The Assessment Institute for Food, Drugs, and Cosmetics); DSN-MUI (Dewan Syariah Nasional or National Sharia Board); Basyarnas (Badan Arbitrase Syariah Nasional or National Arbitration Body); Badan Penerbit MUI (Publications); and YDDP (Yayasan Dana Dakwah Pembangunan or Dakwah Development Foundation).

The study will treat MUI leaders, as well as the ulema in the MUI Fatwa Commission, DSN-MUI and LPPOM-MUI as case studies. These commissions and institutions are selected because their functions parallel the Malaysian institutions the study will be covering. The study focuses on the Fatwa

Commission because it is the most active body in MUI which carries out state capture. Some fatwas issued have a political slant seeking to influence the state's policies and regulations. The study also focuses on DSN-MUI, the institution responsible for managing shariah economics. It issues fatwas related to Islamic banking and finance and makes recommendations to the state on policies and regulations related to this sector. DSN-MUI is selected as a case because it is an important revenue-generating body for MUI. Furthermore, LPPOM-MUI oversees MUI's halal certification unit. It is responsible for issuing certificates and assessing food, cosmetics, and medical products against halal requirements. LPPOM-MUI also collaborates with international counterparts in Asia, the Middle East and Europe to push for an international halal-standard. Like the DSN-MUI, LPPOM-MUI is another income-generating body within MUI. Another reason why the study selects these two institutions is because they have spelt out their capture objectives in writing and reports. The origins, functions of DSN-MUI and LPPOM-MUI will be examined in Chapter Six, where I will discuss these institutions capture successes and failures.

Structure

MUI's leadership structure is stipulated in the *Pedoman Penyelenggaraan Organisasi* (MUI Organisation Implementation Guide). This document provides details on how MUI leaders are appointed, and what roles and duties they should play in their respective commissions and institutions. MUI is headed by a chairman and vice-chairman, and they are members of its highest executive body, the Dewan Pimpinan or Leadership Board. Their appointments are decided by a 15-member council.⁸⁵ MUI secretaries and heads of commission

⁸⁵ Interview with Isa Anshary, Secretary MUI, 6 December 2012.

are ex-officio members of this board (Majelis Ulama Indonesia, 2010).⁸⁶ MUI board members are not salaried bureaucrats like those in Kemenag. They receive an allowance from MUI and the rate depends on how regularly they attend its meetings and events.⁸⁷ On the other hand, general MUI members occupy at least one of the institution's 12 commissions and five institutions mentioned above.

Above the Dewan Pimpinan Harian, MUI has a body of advisors made up of ulema, intellectuals, scholars, and politicians. This body, known as the Dewan Penasihat or Advisory Board, is a non-executive board.⁸⁸ This body is made up of a chairman, eight vice-chairmen, four secretaries, and 56 members.⁸⁹ Figure 2 below maps out MUI's leadership and membership structure.

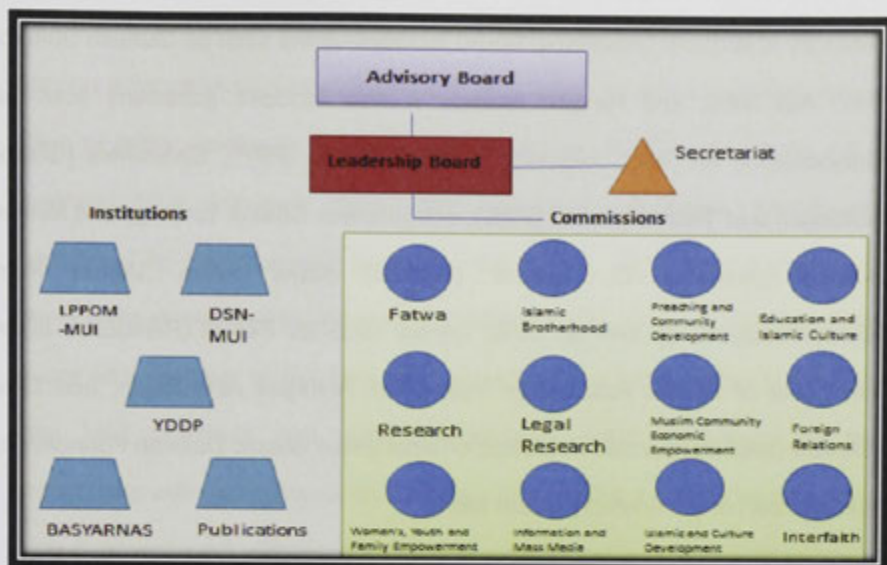
⁸⁶ See Appendix 3# MUI leadership board members.

⁸⁷ Interview with Ichwan Sam, 3 December 2012. This allowance includes the cost of petrol.

⁸⁸ Although the chairman and the vice-chairman are the organisation's highest authorities, the ketua of the respective commissions occasionally make public appearances and issue statements on issues related to their commissions and expertise. Lately, the head of the DSN-MUI and vice-chairman (since 2014), Ma'ruf Amin, appears to be the spokesperson of MUI, even though he is no longer the ketua for the Fatwa Commission. The other person who often makes statements on behalf of MUI is Amidhan, who is also an MUI ketua.

⁸⁹ There were only 14 members in the 1975-1980 MUI Advisory Board and 23 in the 1980-1985 Board (Departemen Penerangan RI, 1985, pp.53-57).

Figure 2. MUI Leadership Structure



Source: Majelis Ulama Indonesia (2010)

During the New Order, Suharto was the patron of MUI (Departement Agama RI, 1985, pp.53-55); and all other leadership appointments in MUI required his approval. Apart from ulema, other professionals to be appointed were ambiguous: pesantren kiais, and university professors; politicians and military personnel.⁹⁰ The Minister of Religious Affairs, Minister of Internal Affairs, and Minister of Education and Culture sat as the institution's advisory board members (Porter, 2002, p.79). During Hassan Basri's chairmanship, H.M Soedjono, former Indonesian Air Force general and Vice-Chairman of DPR, was a member of the MUI Leadership Board (Majelis Ulama Indonesia, 1984, p. 172).

Though state approval is no longer necessary post-New Order, politicians

⁹⁰ Interview with Imdadun Rahmat, NU Board member, 30 November 2012.

continue to sit in MUI's Advisory Board alongside the ulema. The 2010-2015 Advisory Board and Leadership Board includes ulema such as Quraish Shihab, Said Aqil Siroj, and Hasyim Muzadi. It also includes politicians such as Suryadharma Ali (PPP politician), Yudo Paripurno (PPP), Chairunisa (Golkar politician) and Tolchah Hasan (PKB); entrepreneur Chairul Tanjung; and former military personnel Lt General (Retired) Azwar Anas. Ulema from Muhammadiyah, as well as other ormas such as Persis (Persatuan Islam Indonesia or Islamic Association Indonesia), Al-Irsyad Al-Islamiah, and DDII (Dewan Dakwah Islamiah Indonesia or Indonesian Islamic Dakwah Foundation) are also part of the Advisory Board too.⁹¹

Decisions by the Leadership Board are discussed and decided in the two meetings that are regularly held: Rapat Pleno Dewan Pimpinan (Plenary Board Meeting) and the Rapat Pimpinan Harian (Meeting for leaders concerning day-to-day affairs). The Rapat Pleno Dewan Pimpinan meets once in six months. Rapat Pimpinan Harian meetings, on the other hand, are held once a week. One of the Heads (from the eleven commissions) is rotated to chair the Rapat Pimpinan Harian (Majelis Ulama Indonesia, 2010). The two meetings are differentiated based on the kinds of issues discussed. The Rapat Pimpinan Harian discusses issues requiring short-term solutions. Decisions taken in these meetings must be in line with the general principles outlined during MUI's nation-wide congress, MUNAS (to be discussed later).

⁹¹ However, representatives from other ormas apart from NU and Muhammadiyah have also taken up leadership positions in central MUI. Hassan Basri, MUI's third chairman, was educated in Muhammadiyah schools and former Masyumi member. See Appendix 4# for a list of MUI chairmen.

MUI has branches in the regions (provincial and district levels), and they function autonomously from central MUI. MUI branches issue their own fatwas, which at times, contradict those issued by central MUI.⁹² Furthermore, not all provincial MUI branches have clear leadership structures. Some were established by the provincial governors (Moch Nur, 2012, pp.169-170), while others were established by independent kiais (Mun'im, 2013, p. 103). According to one MUI member of the East Java branch, ulama got together to establish local MUI branches and their appointments were contingent on their connections with local government officials (Olle, 2009, p.104). The closer they were to government officials, the higher the likelihood they would be appointed as MUI branch leaders.

Although MUI and its branches function autonomously, Amirsyah Yambunan, MUI Vice-Secretary General, describes their relationship as "cooperative" and "coordinated."⁹³ Representatives from central and branch leadership boards, commissions and institutions conduct regular meetings together, such as during the MUNAS, Rapat Kerja Nasional dan Daerah (National and Provincial Meetings), and Ijtima' Ulama (Conference of Indonesian Ulama). MUNAS refers to MUI's major convention held once in five years. This meeting is a platform for MUI members to discuss the general direction the institution will be charting. Representatives from the regional MUI and representatives from

⁹² Thus, fatwas or opinions issued by provincial and district MUI members do not necessarily reflect those of central MUI. Journalists sometimes do not see the difference. For example, international and local media held MUI's 2005 SIPILIS fatwa— that declares secularism, pluralism, and liberalism "deviant" ideologies—responsible for the attacks conducted by Islamic Defenders Front (FPI) on Ahmadiyah followers (Anglionby, 2005; Rogers & Flipse, 2014).

⁹³ Interview with Amirsyah Tambunan, 8 January 2013. The terms cooperative and coordinated were also used by Isa Anshary during an interview, 6 December 2012; and by Ma'ruf Amin, MUI Vice-Chairman, interview, 3 December 2012.

ormas are also invited as observers. MUI leaders as well as the chairs, managers, and secretaries from the district MUI branches attend the Rapat Kerja Nasional dan Daerah. The purpose of the Rapat Kerja Nasional dan Daerah is to develop joint programs based on the direction agreed during MUNAS. This meeting also allows for the evaluation of past programs conducted by MUI and its branches.

The Ijtima Nasional is a meeting MUI hosts involving the other ormas. MUI rides on this meeting to present its vision to be a *tenda besar* (large tent) or "a clearing house for all Muslim organisations in Indonesia" (Syafiq, 2011, p. 7). So far, Ijtima' Ulema have been held four times: in 2003, 2006, 2009 and 2012. Between 750 to 1000 ulema from all over Indonesia attended these meetings. Representatives from MUI branches, ormas, Kemenag, pesantren leaders, university lecturers, and academics also attended these meetings.⁹⁴ While MUI officials often claim that such national meetings represent the interests of all Indonesian Muslims (Ma'ruf, 2012), most participants are MUI members. Iffatul Umniati's (2009) description of the attendance during the 2009 Ijtima Nasional shows that the Ijtima' Ulama is an all-MUI affair after all. For example, out of 100 participants who participated in the commission on Golput (the act of Indonesians boycotting elections), 14 were central MUI members, 80 were representatives from MUI branches, and only six were representatives from ormas.⁹⁵ Thus, opinions issued during the Ijtima Nasional are generally MUI's.⁹⁶

⁹⁴ According to Professor Nabilah Lubis, the forum went smoothly as the chairman did not dictate the flow of the sessions, but mainly suggested some guidelines. The participants have the freedom to express their views. See Iffatul Umniati, 2009, p. 71.

⁹⁵ The six participants are representatives from Muhammadiyah, LDII (Lembaga Dakwah Islam Indonesia or Indonesian Institute of Islamic Preachers), ICMI, Persis, PUI (Persatuan Ulema Indonesia or Ulema Organisation Indonesia). There were no NU representatives invited to attend (Iffatul Umniati, 2009, p. 77).

To sum up, MUI has evolved from its role accorded by Suharto—a body that explains government's activities and concepts of national or local development to the people—to one that tries to be a *tenda besar* for all Islamic organisations. It has also expanded its functions from a fatwa-making body to include other activities such as interfaith dialogue, shariah economics, and women's empowerment. During the New Order, Suharto wanted MUI to be influential but compliant to his wishes. He wanted it to reduce the influence and autonomy of NU and Muhammadiyah. In the post-New Order period, MUI not only wants to be the leading organisation within the Islamic community in Indonesia ahead of NU and Muhammadiyah, but also one that is autonomous from the state. Whether MUI is successful in playing this role will be explored in Chapter Six.

Jawatankuasa Fatwa Majlis Kebangsaan Bagi Hal Ugama Islam (JKF-MKI)

In 1968, the Malaysian federal government, based on the recommendation of the Council of Rulers, established the MKI as the highest Islamic body in the country. MKI's functions will be discussed shortly, but in essence, the Council of Rulers felt there was a need to have a federal institution that oversees the development and progress of Muslims in Malaysia, and to coordinate Islamic administration among all religious councils in Malaysia (Abdul Monir, 1998,

⁹⁶ MUI Secretary General, Ichwan Sam claims the *Ijtimā' Ulama* is the meeting of all ulema in Indonesia. See http://www.halalmui.org/newMUI/index.php/main/detail_page/8/512 (Date Accessed: 10 September 2014).

p.138).⁹⁷ MKI is not an ulema institution because its membership comprises ulema, UMNO politicians and chief ministers including those of opposition controlled *negeris*, and other professionals. However, it oversees the country's highest fatwa-making body, the JKF-MKI, which is also known as the National Fatwa Committee.⁹⁸

The study considers members of JKF-MKI as the core of Malaysia's official ulema. As I will elaborate later, half of the JKF-MKI members are muftis of the 13 *negeri*. The others are nine individuals, mostly former academics, appointed by the Council of Rulers. To improve comparability with MUI, the study will include JAKIM and IKIM leaders in addition to those from JKF-MKI. JAKIM acts as the secretariat to the JKF-MKI, while IKIM focuses on research. Their tasks are to propagate the committee's fatwas to the public through publications, the internet, and traditional media. JAKIM's and IKIM's functions will be discussed later.

The following paragraphs will examine the functions of the MKI and the JKF-MKI, and compare their similarities with MUI. Then, I discuss JKF-MKI's structure in order to understand how appointments are made. A discussion on the relationship between federal religious councils with their *negeri* counterparts will then follow. Earlier, the chapter pointed out MUI's relations with its branches are largely independent. I highlight how the JKF-MKI's relationship with the

⁹⁷ Although official sources say that MKI was the Council of Rulers' initiative, there is a possibility that it is the Alliance government under Tunku Abdul Rahman that recommended it to the rulers. In 1968, the Alliances position was threatened by PAS.

⁹⁸ I shall refer to this body as the JKF-MKI in this study.

negeri religious councils is well co-ordinated. This discussion on the Malaysian ulema will conclude with a description of JAKIM's and IKIM's role in the administration of Islam in the country.

Functions

MKI functions as the highest Islamic advisory body to the Council of Rulers on matters related to shariah. Its primary role is to discuss, consider, and administer Islamic issues referred by the Council of Rulers (Abdul Monir, 1998, p.138). It also discusses issues raised by any *negeri* governments, *negeri* religious councils, or any members of the council (JAKIM, 2014a). MKI is also responsible for creating and developing other federal Islamic institutions,⁹⁹ the major one being YADIM (Yayasan Dakwan Islamiyah Malaysia or Islamic Da'wah Foundation Malaysia). Formed in 1974, YADIM is responsible for co-ordinating dakwah activities for the whole country.

In 1970, the federal government, with the Council or Rulers' consent, established the JKF-MKI, to act as a fatwa-making body within the MKI. The committee convened its first meeting from 23 to 24 June 1970. Its primary role was to consider, decide, and issue fatwas on Islamic matters as requested by the Council of Rulers.¹⁰⁰ The JKF-MKI can issue fatwas in two ways. The first is through Mesyuarat JKF-MKI (JKF-MKI Meetings). Fatwas issued through this

⁹⁹ The minor institutions MKI helped developed are INDAH (Institut Dakwah dan Latihan Islam or Dakwah Institution and Training); Maktab Perguruan Islam Malaysia (Islamic Teachers Training College); Sekolah Menengah Agama di Sarawak (Sarawak, Religious Secondary School); Pusat Penyelidikan Islam (Islamic Research Centre); Maahad Tahfiz al-Quran Wal Qiraat (Quranic Centre); and LEPAL (Lembaga Penyelaras Pelajaran dan Pendidikan Agama Islam or Council for Standardisation of Islamic Teaching and Education).

¹⁰⁰ See JAKIM Website. Link: <http://www.e-fatwa.gov.my/jawatankuasa-fatwa-majlis-kebangsaan-bagi-hal-ehwal-ugama-islam-malaysia>. (Date Accessed: 31 October 2014).

forum are mainly in response to queries by the Council of Rulers. After these queries are discussed, they will be presented to the Council of Rulers. Once the rulers give their assent, the fatwas will be presented to the *negeri* religious councils. Members of the *negeri* councils cannot alter the wordings of fatwas issued through the Mesyuarat JKF-MKI; they can only recommend to their ruler whether the fatwas should be gazetted or not (JAKIM, 2014b).

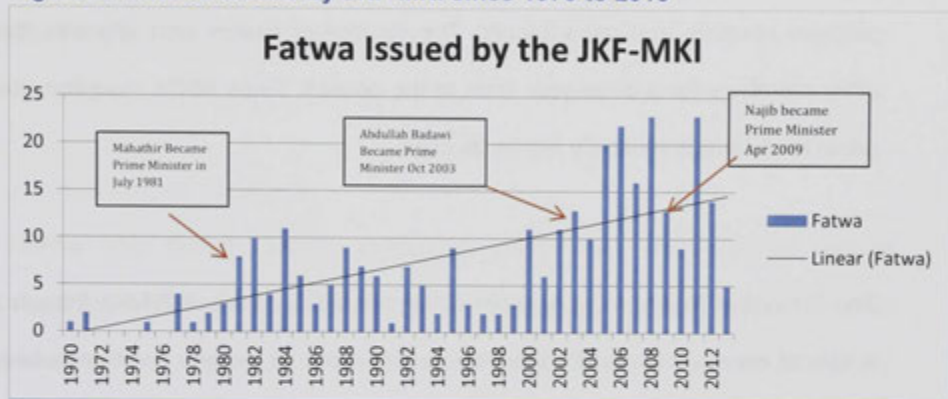
Abdul Monir (1998, p.139) observed that the Mesyuarat JKF-MKI is rarely conducted compared to the second way JKF-MKI issues fatwas, the Muzakarah Fatwa Kebangsaan or National Fatwa Discussion. The JKF-MKI convenes this discussion at least six times in a year. The Council of Rulers however can initiate special sessions. This forum responds to public or NGOs queries that the JKF-MKI feels require fatwas. The members of this discussion can also initiate the topics to be discussed. Kelantan Mufti Mohamad Shukri remarked that, "We [muftis] adopted a more proactive approach. Even though we are not asked to issue fatwas, we will still discuss in the Fatwa Commission, or conduct research on the matter."¹⁰¹ Fatwas issued through the Muzakarah Fatwa Kebangsaan will then be presented to the Council of Rulers through the MKI. Once the rulers' assent is given, the *negeri* religious councils will then discuss whether the fatwas require any amendments. Unlike fatwas issued through the Mesyuarat JKF-MKI, the *negeri* councils can choose whether to gazette fatwas issued through the Muzakarah Fatwa Kebangsaan.¹⁰²

¹⁰¹ Interview with Dato' Haji Mohamad Shukri Bin Mohamad, 7 April 2013. The Kelantan mufti suggested anecdotally UMNO leaders had once sought to persuade him to issue a fatwa against the use of Islamic labels for political parties. UMNO hoped to use the fatwa against PAS.

¹⁰² Fatwas issued by the JKF-MKI are not binding to Muslims living in Federal Territories. The Federal Territory has its own mufti, religious council MAIWP (Islamic Religious Council for

Figure 3. shows the number of fatwas issued by the committee annually from 1970 to 2013. It depicts the committee becoming active issuing fatwas after Mahathir became Prime Minister in 1981.

Figure 3. Fatwas issued by JKF-MKI since 1970 to 2013



Source: This data is compiled from JAKIM's website. See Jakim (2013a).

The committee became even more active after Abdullah Badawi became Prime Minister in 2003. The JKF-MKI fatwas increased from an average of six per year during Mahathir government to an average of 17 per year during the six years of the Abdullah Badawi government. There were 131 JKF-MKI fatwas during the 21 years of Mahathir's reign, and 104 fatwas issued during the six years of Abdullah Badawi's government. On average, the number of fatwas issued by the JKF-MKI tripled after Mahathir's retirement in 2003.

JKF-MKI is the fatwa-making committee under the MKI. Its membership is made up of ulema, whereas the MKI is made up of ulema, politicians and civil servants. MKI comprises a chairman, vice-chairman, and representatives from the *negeri*. The *negeri* representatives include chief ministers, Exco (Executive committee) members in-charge of Islamic matters, and representatives from religious councils and departments. The Council of Rulers also appoints five other members for a three-year term to the council. Since MKI's inception, the prime minister automatically sits as its chair.

The Council of Rulers must approve all appointments to the JKF-MKI, though it is almost certain that all 14 Malaysian muftis—from 13 *negeris* and the Federal Territory—will be appointed as members. This is because the *negeri* muftis are themselves either appointed by their respective ruler or the Malaysian King, and hence they represent their respective *negeris* in the JKF-MKI. The other members of the JKF-MKI consist of a chairman, a secretary, nine Islamic “experts,” and a representative from the legal profession (Arik Sanusi, 2010; Othman, 1981). The members of the committee then elect a chairman. The current chairman of the JKF-MKI is Tan Sri Dato’ Abdul Shukor Haji Husin, the former Vice-Chancellor of USIM (Universiti Sains Islam Malaysia or Malaysian Islam and Science University). Though Abdul Shukor had occupied many important positions in JAKIM and IKIM, he has never been a *negeri* mufti.

Bureaucrats, academics, economists and scientists fill the remaining eleven positions of the JKF-MKI. The JAKIM director automatically acts as the

committee's secretary. The current JKF-MKI's secretary is Othman Mustafa. The current committee includes ulema such as Ghazali Abdul Rahman (shariah expert); Abdul Hayei Shukur; Zakaria Stapa (Professor of Islamic Studies in UM); and Paizah Ismail. It also includes a chemist and an Islamic finance consultant (JAKIM, 2014b).¹⁰³ These members are appointed to provide input on matters pertaining to shariah economics, halal-products, and medical-related issues.

Federal-negeri relations

Ulema from federal Islamic institutions JAKIM and IKIM conduct regular meetings with their counterparts from the *negeri* religious councils. These meetings normally concern fatwa research. For example, between 16 and 17 May 2012, JAKIM hosted a dialogue between JKF-MKI and the various *negeri* fatwa departments. The objective of the discussion was to understand issues facing the *negeri* councils whether these issues require JKF-MKI's attention. Between 20 and 22 May 2012, JAKIM hosted the 8th Persidangan Mufti-Mufti Seluruh Malaysia (Conference of Malaysian Muftis) to discuss how *negeri* fatwa councils could be better co-ordinated (JAKIM, 2012b, p.25). All Malaysian muftis and deputy muftis attended the conference.

However, in terms of fatwa enforcement, the *negeri* religious councils are more powerful than the federal institutions. When a *negeri* religious council (Majlis Agama Islam Negeri) issues a fatwa and the fatwa is published in the *negeri* gazette, it is legally binding on all Muslims living in that *negeri* (Mahamad

¹⁰³ See Appendix 1# for JKF-MKI members.

Naser, 2011, p. 100). For fatwas to be gazetted, they do not go through the legislative process; it is mainly at the Ruler's discretion. Unlike other legislation, in which bills have to be presented, debated, and passed through the *negeri* legislative assembly, the same does not apply to fatwas. Before 2004, fatwas passed had to undergo similar process as civil laws before they are gazetted (Martinez 2001, p. 478).¹⁰⁴ In 2004, most *negeri* passed the Shariah Criminal Offences Act/Enactment, where muftis fatwas can carry the force of law without having to go the parliament or negeri legislative assemblies debate them (Liow, 2009, p.128). For example, for the states of Terengganu and Selangor, fatwas are gazetted without the approval of the state legislature. A fatwa issued by the Jabatan Mufti (Department of Mufti) is discussed and amended by the Majlis Agama Islam dan Adat Istiadat Melayu Terengganu (Religious Council of Terengganu), and then gazetted (Jabatan Mufti Negeri Terengganu, 2013). According to Section 48 of Administration of the Religion of Islam for Selangor, the religious council will present fatwas to the Ruler for his assent. The Council is also makes recommendation to the Ruler if the fatwas are to be gazetted. Once the Ruler has given his assent, the Council will inform the negeri government to gazette the fatwas (Selangor Enactment, 2003). The Selangor Sultan, Sultan Syarafuddin Syah told Muslims not to criticise fatwas because they are passed by "learned" scholars, and the fatwas obtain his endorsement (Ruban, 2014). The ability of the official ulema to bypass the legislatures is yet another demonstration of how they can influence, shape and introduce religious enactments without the consent of the sitting government.

¹⁰⁴ According to Martinez, "The Jabatan Agama and the Sharia courts administer Islam in the state. The Menteri Besar, or Chief Minister, who is essentially a Federal Appointee in BN-controlled states, has to present legislation on Islam to the state legislature and the sultan for enactment. The state legislatures have both Muslims and non-Muslims elected representatives" (Martinez, 2001, p. 478).

With the exception of Johore and Kedah, gazetted fatwas are recognised in shariah courts and it is an offence to violate them (Hasnan, 2006). In Perak, Selangor, Malacca, Penang, and Terengganu, both the *negeri* shariah and civil courts recognise fatwas published in the government gazette (Hasnan, 2006, pp. 18-19).¹⁰⁵ This binding nature of fatwas is unusual in the Muslim world. Fatwas are mainly religious opinions issued by Muslim scholars on matters that are not stated in the Quran or Sunnah. Muslims are generally free not to heed fatwas.

Malaysian muftis play an important role in bridging Islamic institutions at the federal and *negeri* levels. The muftis' power base is at the *negeri*, but they also play an important role at the JKF-MKI. Their presence and participation at all levels of the fatwa-making process, both at the *negeri* and federal levels, helps synchronise and standardise religious council fatwas. As mentioned, muftis make up more than half of the JKF-MKI. Their role in fatwa-making processes at the *negeri* levels falls into three parts. First, the muftis are ex-officio members of their respective Majlis Agama Islam Negeri. The other members of this council include the chair, deputy Chair, legal advisor to the state, state financial officer and the state police chief.¹⁰⁶ Of all these appointments in the council,

¹⁰⁵ The religious council is the highest Islamic body for each *negeri* under the Malay rulers. In most *negeris*, the rulers have the discretion to appoint the members of the religious council and the deputy muftis. In *negeris* that do not have a ruler, such as Malacca, the mufti is appointed by the King based on recommendations by the Chief Minister. However, in Negeri Sembilan, the *kerajaan negeri* is more powerful than the Ruler in determining religious council appointments. The enactment states that the Ruler cannot reject the Chief Minister's recommendations (Zulkifli, 2008b, p. 16). For the Mufti of Federal Territory, the King appoints the members of the council based on recommendations by the minister in charge of religious affairs (Hasnan, 2006, p. 6).

¹⁰⁶ The chair and deputy chair of the religious council can be members of the legislative assembly of the *negeri*, prominent ulema, or civil servants. For the Religious council in Perak,

society regards the muftis as the most learned scholars of Islamic jurisprudence (fiqh). Non-ulema fill some other appointments.

Second, the muftis chair the shariah committees in their respective religious councils. These committees research and draft fatwas before they are discussed at the religious council. Based on the Selangor Enactment (2003), the mufti is the one who presents the committee's fatwas to the council for discussion before they are presented to the ruler. These shariah committees adopt different names in the various *negeri*: Jawatankuasa fatwa (Kedah and Terengganu), Jamaah Ulamak (Kelantan) Lujnah Fatwa (Johore), and Jawatankuasa Undang-undang Syarak (Federal Territory). Fatwas drafted by the shariah committees normally get passed by the religious councils (Hasnan, 2006, p.13). In the case of Terengganu, the shariah committee can even deliver fatwas on "minor" issues without having to go through the religious councils, and get gazetted (Hasnan, 2006, p. 13).

Third, the muftis are assisted by their own team of administrators. These administrators work under the mufti departments (*jabatan mufti*). These mufti departments function autonomously from the religious departments (Jabatan Agama Islam dan Adat Negeri or JAIN). The task of the mufti departments include responding to any religious queries from the public, conducting research on Islamic knowledge, and determining important dates in the Islamic

Majlis Agama Islam dan Adat Melayu Perak (MAIMP), the members are made up of the *negeri* governments, including Chief Minister Zamry Abdul Kadir, the state secretary Abdul Puhat Mat Nayan, and the state Finance officer Mohd Ghazali Jalal. The council also included members of the Perak legislative assembly and the director of the religious department (MAIAMP, 2012).

calendar.¹⁰⁷ Thus, while the rulers are the head of Islam of each *negeri*, and fatwas are passed collectively with other religious elites, the contents of fatwas are mostly based on inputs provided by the muftis.

JAKIM and IKIM

Mahathir substantially upgraded existing federal Islamic institutions as well as formed new ones when he was in power. The reasons why this happened will be explored in greater detail in Chapter Five, but suffice to say for now that Mahathir was responding to challenges from a Islamist PAS and the rise of *dakwah* groups (Mehden, 2013). Two such institutions that the study will focus on are JAKIM and IKIM. Even though they cannot exercise powers similar to those of the *negeri* religious councils—especially in the realms of fatwa and shariah courts—they support JKF-MKI's administrative, research, and public relations aspects. JAKIM and IKIM raise JKF-MKI ulema's public profile.

The government established JAKIM on 1 January 1997. Before this, JAKIM was known as BAHEIS (Bahagian Hal Ehwal Islam or the Islamic Affairs Division) in the Prime Minister's Office (Funston, 2006, p. 55). JAKIM serves as the secretariat for the MKI and its functions can be divided into the following areas: supporting the formulation and standardization of Islamic law; Islamic coordination and administration; coordination and development of Islamic education (JAKIM, 2014c). Other JAKIM roles include streamlining and standardising Islamic law throughout the country; streamlining fatwa and

¹⁰⁷ See Jabatan Mufti Terengganu Website. <http://mufti.terengganu.gov.my/maxc2020/agensi/article.php?cid=38&aid=410> (Date Accessed: 5 September 2014).

implanting compliance; and building well-established Islamic thinking amongst the people (*ummat*) based on ASWJ (*Ahlus Sunnah Wal Jamaah* or Sunni).

The state entrusts JAKIM with the duty of addressing deviations of faith (*akidah*) that threaten national security; making Malaysia the hub of higher learning and research for al-Quran and hadith at the regional and international level; and developing and streamlining the Islamic education management of national religious schools.¹⁰⁸ JAKIM oversees rehabilitation centres for "deviant" Muslims and coordinates NGOs to monitor aberrant teachings such as Shias and Wahhabis (Mehden, 2013). JAKIM has its own fatwa research committees, duplicating the roles played by fatwa-committees in the *negeri*. The *negeri* fatwa committees may issue contradictory fatwas, and JAKIM's role is to standardise these fatwas. JAKIM also organises international seminars and conferences, publishes academic journals, and manages television and internet portals (JAKIM, 2011a, pp. 32-40; JAKIM 2012b).

In addition, JAKIM enhances the prominence of the Malaysian muftis in both the new-media and traditional media. The fatwas issued jointly by the Jabatan Agama Islam Negeri and the JKF-MKI are published on JAKIM's website. JAKIM also co-ordinates dialogues among muftis which are separate from the Muzakarah JKF-MKI meetings (JAKIM, 2012b, pp.25-27). The muftis appear on dakwah programmes uploaded on the JAKIM TV portals. In 2014, the JAKIM website provided newspaper clippings on any commentaries the muftis or JAKIM officials provided. This webpage, called Senarai Fatwa @Media (Fatwa

¹⁰⁸ These functions are quoted from JAKIM's website. See <http://www.islam.gov.my/en/jakim-functions>. (Date Accessed: 31 October 2014)

Lists on Media), features clippings from *Utusan Malaysia*, *Berita Harian*, *Sinar Harian*, *Harian Metro*, *The Star* and *New Straits Times*. The newspaper clippings put up on the webpage mainly report on the decisions made by the JKF-MKI. JAKIM also produces religious programs involving muftis and other official ulema for mainstream television channels, RTM 1, RTM 2 and Hikmah Channel. The popular programs involving the official ulema are *Forum Perdana Ehwal Islam* (a forum featuring three panellists) and *Bicara Mufti* (A Dialogue with muftis).

JAKIM also has authority over Malaysia's big mosques—the National Mosque (Masjid Negara), Masjid Putrajaya, and Masjid Tunku Mizan Zainal Abidin. The National Mosque has a capacity of 15 000 people whereas Masjid Putrajaya and Masjid Tunku Mizan Zainal Abidin can house 15 000 and 20 000 people respectively. The National Mosque is symbolic because it hosts important state religious ceremonies—including the prayers for *Eidulfitri* and *Eiduladha*—which are also televised live.¹⁰⁹ The Malaysian King, Prime Minister, Cabinet ministers, and other dignitaries such as foreign ambassadors join these important ceremonies at the National Mosque.

JAKIM also prepares Friday sermons to be read at the mosques it has authority over and these sermons will be televised live by the mainstream media.¹¹⁰ It is unlawful for an imam in these mosques not to read sermons issued by JAKIM. Although JAKIM's sermons mostly concern morality, some have a political angle

¹⁰⁹ Eidulfitri is marked by the end of the month of Ramadhan. Fasting is the third pillar of Islam. Eiduladha is the celebration related to the Haj ritual, which is the fifth pillar of Islam.

¹¹⁰ Interview with Azhar Tuarno, Deputy Director, Imam of National Mosque Malaysia, 18 April 2013.

added to them. Ustaz Azhar Tuarno, Imam of the National Mosque, pointed out that he has received some complaints from the members of the public that the sermons favour UMNO. There is some truth in these complaints. To illustrate, on the 12 April 2013, JAKIM issued a Friday sermon entitled *Menepati Janji, Membawa Harapan* (Fulfilling Promises, Bringing Hope). The title (and the contents) of the sermon resembled UMNO's manifesto *Janji Ditepati* for the 13th general elections which was held on 5 May 2013.¹¹¹

Apart from JAKIM, the study focuses on IKIM because it hosts regular discussions with muftis and JAKIM officials.¹¹² Established on 18 February 1992, IKIM's main function is to develop better Islamic understanding through research, publications, and conferences. IKIM's vision is to be an institution of excellence in the planning and execution of organised programs and in raising Islamic awareness. Its aims are to promote the universal values of Islam among both Muslims and non-Muslims (IKIM, 2012). Mehden (2013), however, sees IKIM as an intellectual vehicle for the UMNO interpretation of Islam as it falls directly under the authority of the Prime Minister's Office. IKIM runs radio-stations IKIM.fm, for example, which feature Islamic programs and "Islamic" entertainment. IKIM also facilitates discussions among official ulema towards standardising fatwas across the religious councils (IKIM, 2012). The Director for the Centre of the study of Shariah, Law and Politics for IKIM, Dr Wan Azhar Wan Ahmad, pointed out

¹¹¹ Another sermon on 29 November 2013 was given the title *Virus Syiah* (Shia Virus). This too has a political slant to it. Throughout the 2013 election campaign, UMNO members were accusing PAS of promoting Shiism (Norshahril, 2014, p. 363).

¹¹² Interview with Dr Wan Azhar Wan Ahmad, Director for the Study of Shariah, Law and Politics, IKIM, 7 May 2013.

Our task is to provide better understanding of religion. We do not have the stature of the muftis. We are not the religious councils of each *negeri*. IKIM does not come up with fatwas... But we oversee the religious media— we have radio, newspapers, we can also call for a meeting of the muftis, organise conventions for all the religious council members. We wanted to standardise the fatwa for all states. Hence, IKIM has become a secretariat.¹¹³

The creation of institutions such as JAKIM and IKIM to support the MKI shows how Malaysian official ulema institutions are better co-ordinated than Indonesia's. According to Marina Mahathir, a civil rights activist and a board member of SIS (Sisters in Islam)

You have to look at the religious infrastructure in Indonesia and here (Malaysia). Because I do feel that [the religious infrastructure] in Malaysia is more pervasive and better funded. In Indonesia I think it is a pretty marginalised part of the bureaucracy. Now we [in Malaysia] are making fatwas on yoga. Our religious bureaucracy is far larger than theirs [in Indonesia]. And plus, the state religious departments in every state comes under the sultan.¹¹⁴

Ratna Osman, SIS Executive Director, echoes Marina's point on the pervasiveness of Islamisation in Malaysia. Ratna remarked

[With] JAKIM, JAIS (Jabatan Agama Islam Selangor or Selangor Islamic Religious Department), the state religious departments, there is an effort to penetrate the very personal details of your life they want to control. They also control what you eat, what you drink, even to the fact that water also has a halal logo. Canned fruits have to have a halal logo. It is a business.¹¹⁵

The above discussion demonstrates how the role of JKF-MKI is reinforced by Mahathir's Islamisation drive of the 1980s and 1990s. As will be discussed in the next chapter, Mahathir undertook Islamisation to contain the growth of Islamic resurgence. JAKIM and IKIM, among the other institutions established by Mahathir, to co-opt the ulema to support UMNO. JAKIM provides the muftis with alternative platforms to influence the state's policies and society, apart from

¹¹³ Interview with Dr Wan Azhar Wan Ahmad, 7 May 2013.

¹¹⁴ Interview with Marina Mahathir, Board Member, Sisters in Islam, 7 February 2013.

¹¹⁵ Interview with Ratna Osman, Executive Director, Sisters in Islam, 7 February 2013.

the platforms available to them by the *negeri* religious councils. In addition, JAKIM and IKIM portray the JKF-MKI's fatwas as "consensus" among Malaysian muftis and act as advisors to the Malaysian King, the Council of Rulers, the Federal Government, and the federal courts (Arik Sanusi, 2010, p. 77). They organise meetings and conferences to synchronise *negeri* religious council fatwas. JKF-MKI members and representatives from the *negeri* attend these meetings. In Islamic jurisprudence, a consensus on a religious issue is accepted as the third source of Islamic law after the Quran and Sunnah.

Conclusion: Are MUI and MKI comparable?

The core issues discussed in this chapter are the origins, structures and functions of contemporary official ulema institutions in Indonesia and Malaysia. The chapter has also described how leaders and members of these institutions are appointed. The discussion of the contemporary status of these institutions is relevant for the discussion in the next chapter, where the political and social context of their formation will be discussed. Suharto and Mahathir devised co-optation strategies—which ulema institutions are part of—to manage the Islamic resurgence movement as well as religious cleavages in their societies.

Undeniably, the official ulema institutions in the two countries have many differences. The preceding sections show that MUI and MKI (especially JKF-MKI) have different origins, membership compositions, and levels of state-funding. MKI was formed as a Malaysian government initiative with the support of the Council of Rulers. MUI, on the other hand, was solely the Suharto

government's brainchild. Politicians play an important part in the MKI, while in MUI, the ulema make up the majority of members. During the New Order period, politicians also occupied important positions in MUI though this is no longer the case in the post-New Order period. The Malaysian state also equipped JKF-MKI with effective supporting institutions JAKIM and IKIM, while MUI has to source most of its funds externally of the state.

Despite these differences, I argue that MUI and MKI also have many similarities that make the two institutions comparable. The aspects I am comparing will help answer the study's central questions on capture and co-optation dynamics. First, both MUI and MKI are Islamic institutions that host their country's national fatwa-making bodies. Unlike in many other Islamic countries such as Saudi Arabia, Egypt, Turkey, and Brunei, Indonesia does not have a grand mufti. While there are many muftis in Malaysia, fatwas at the national level are issued collectively by the JKF-MKI members. Thus, the fatwa bodies in MUI and MKI replace the role played by grand muftis in other Islamic countries. Comparing these fatwa-making bodies is useful because official ulema use them as vehicles to dominate religious debates. Fatwas serve as one of the important tools for state capture.

Second, members of these two institutions claim to represent the various Islamic groups or communities of their respective countries. They also claim that opinions issued through these platforms signify the consensus of ulema in their respective countries. MUI ulema claim to represent their ormas. Indeed, they claim that MUI is a "big tent" representing all the major ormas in Indonesia.

According to MUI secretary, Isa Anshary, "MUI's chairman and vice-chairman are from NU and Muhammadiyah. So MUI is the umbrella organisation for all organisations in Indonesia. We serve as a platform for discussion. MUI is a platform on which ulema and intellectuals discuss issues."¹¹⁶ Similarly, MKI has representation of the muftis from the various *negeri*. All 14 Malaysian muftis participate in the JKF-MKI. According to Kelantan mufti Mohammad Shukri, the JKF-MKI gives this single opinion that reduces the possibility of any tension within the religious community. He said, "We [in the MKI] don't want a small country such as Malaysia to have too many [different] opinions on a single issue."¹¹⁷ His attitude is different from Islam's position, which holds that difference of opinion is a norm.

Therefore, although representation is manifest differently in MUI and MKI, the ulema who participate in them would point out that their fatwas represent consensus of the various religious authorities in Indonesian and Malaysian society. How is this claim relevant in our analysis of capture and co-optation dynamics? The official ulema use the notion of "consensus" to deter rival ulema from claiming rights to religious authority. In Islamic jurisprudence, consensus among Muslim scholars (or *ijtima'*) is the third source of Islamic law after the Quran and the prophet's Sunnah. Ulema will first find rulings from the Quran and Sunnah, and if no clear verses exist, they will quote from the majority opinions of past religious scholars. Also, with unity, they can make stronger

¹¹⁶ Interview with Isa Anshary, 6 December 2012.

¹¹⁷ Interview with Mohammad Shukri, 7 April 2013. Mohammad Shukri however commented that most of the local issues are discussed at the local level, and not many of these issues are brought to the JKF-MKI. In some instances, the JKF-MKI did adopt some of the issues raised by the *negeri* religious councils. For example, the Religious Council in Kelantan discussed whether marriage solemnization through video calls is permissible. This issue was taken up to the JKF-MKI.

demands on the state, which later translate into other capture objectives such as affecting distribution of resources, influencing appointments, and dominating the discourse.

Third, both institutions were formed at around the same period and were later used for similar political purposes by their respective leaders. In Indonesia, Suharto declared his intention to form MUI in 1970, though it was only formed in 1975 (Departemen Penerangan RI, 1985, p.15). In Malaysia, the MKI was formed in 1968 and the JKF-MKI in 1970. MKI was formed under a relatively open government led by Tunku Abdul Rahman, while MUI under the authoritarian New Order regime. However, by the 1980s, both Indonesian and Malaysian states were using the two institutions for similar purposes. As will be discussed in Chapter Five, these institutions were made to suit Suharto's and Mahathir's authoritarian, industrialisation and Islamic agendas.

Fourth, I will be comparing departments within MUI and MKI that carry out similar roles and functions. The study focusses on two to three departments within the two institutions that undertake comparable activities. One, I will compare the prominent leaders of the two institutions. For MUI, they are members of the Leadership Board while for JKF-MKI, they are muftis, JAKIM, and IKIM leaders. Two, the fatwa bodies within the two institutions will be examined. For MUI, I will focus on the Fatwa Commission; and for MKI the JKF-MKI. Three, I will compare departments that oversee shariah economics and halal certification. Hence for MUI, I will examine DSN-MUI and LPPOM-MUI; and for MKI, JAKIM and IKIM. Four, I am comparing departments that help

fatwa research. The MUI Fatwa Commission undertakes most of its own research with the help of its research commission. In contrast, JAKIM and IKIM assisted the JKF-MKI and *negeri* religious departments for fatwa research, and in conducting seminars and conferences. The table below sums which the bodies within MUI and MKI are responsible for fatwa-making, fatwa research, shariah economics, halal certification. These bodies are selected so that aspects of comparisons are standardised.

Table 1. Comparing MUI and MKI

Aspects of Comparison	MUI	MKI
Personalities	Members of MUI Leadership Board	Muftis and JAKIM leaders
Fatwa-Making Body	MUI Fatwa Commission	JKF-MKI
Fatwa-Research		JAKIM and IKIM
Shariah Economics		
Halal certification		

In short, comparing the two institutions would allow one to evaluate how official ulema used their state-bestowed privileged positions to full advantage. This core issue will be discussed in Chapters Six and Seven where I examine their ability to capture their respective states. State capture exists at the local levels, and based on existing works, the further the social actors function from the

centre, the higher the degree of capture. This study examines capture in the states' capital cities.

Chapter Four

The roots of state co-optation: Managing Islamic resurgence and religious cleavages

From the 1970s, there was a rise in piety among Muslims in Indonesia and Malaysia. Scholars attributed this phenomenon to the Islamic resurgence movement, which strived to strengthen Islam in all aspects of life (Chandra, 1987, p. 2). Suharto was already Indonesia's president then, and Malaysia was ruled by Abdul Razak Hussein (1971-1976) and Hussein Onn (1976-1981). By the time Mahathir was appointed as Malaysia's prime minister in 1981, the Islamic resurgence movement had grown greatly in size and influence.

I contend that Suharto and Mahathir systematically co-opted ulema and Muslim intellectuals into state-sponsored institutions in order to contain and draw the Muslim resurgence movement to their political cause. The two leaders feared that the ulema and intellectuals were capable of attracting mass following and galvanising Islamic political parties to challenge the government. They were also concerned that the movement's demands, which included an Islamic state and shariah laws among other things, could create dangerous tensions in Indonesia's and Malaysia's multi-ethnic and multi-religious societies. The movement was so vocal and organised that Suharto and Mahathir did concede to some aspects of their demands. They initiated major Islamic policies such as establishing Islamic banks, building mosques, elevating the status of Islamic courts, passing shariah-based statutes, and creating ulema institutions discussed in the previous chapter.

Another reason why Suharto and Mahathir co-opted the ulema and intellectuals was to manage religious divisions in their respective societies. Muslims in Indonesia were split between the traditionalists (represented mainly by NU) and modernists (represented largely by Muhammadiyah), with the former being more hostile towards Suharto's agenda.¹¹⁸ Thus, Suharto mainly designed his co-optation strategy to contain NU. On the other hand, Malaysia in the 1980s witnessed a growing number of ulema inclined to Islamist ideas (to be discussed shortly). These ulema either joined PAS or participated in *dakwah* (the call to spread the message of Islam), and their ideas challenged UMNO's ethnic-based Islam and *ketuanan Melayu* (Malay supremacy). The two leaders' co-optation strategies serve two purposes: to bridge differences in the community and to destabilise Islamic opposition by splitting them further.

In the following sections, I first examine the origins of the Islamic resurgence movement, including the international and local factors that led to its emergence. This will be followed by a discussion on religious cleavages in both countries. An analysis of Islamic resurgence and religious cleavages is necessary as it is relevant for the discussion in the following chapter. I argue that these two factors contributed to the two leaders' contrasting motivations for co-optation, as well as the methods used to achieve it. Discussing the ideas promoted by the Muslim resurgence movement serves another important purpose. The ideas championed by the movement mirror the discourse of the contemporary official ulema, and the requests they are making today, which

¹¹⁸ The traditionalists are also represented by groups Nahdlatul Wathon and Washliyah.

include promoting shariah economics, shariah consumption certification, shariah tourism, and shariah entertainment.

Islamic Resurgence: An “Islamic” alternative to Westernisation

To understand the origins of Islamic resurgence in the 1970s, it is necessary to appreciate the factors that gave rise to societal piety in Indonesia and Malaysia. Azhar (2014, p. 35) describes the phenomenon as involving “many unconnected groups of Muslims determined to ensure particular types of Islamic identity and integrity are secured and enhanced in the midst of modern social life.”¹¹⁹ Other terms that have been used to describe the Islamic resurgence are: “re-flowering” of Islam (Nagata, 1984); *dakwah* movement (Zainah, 1987); Islamism (Ahmad Fauzi, 2008; Bubalo & Fealy, 2005); *tarbiyah* (Ismatu, 2007; Machmudi, 2008); Islamic re-awakening (Stark, 2004); and Islamic revivalism (Azhar, 2014; Hussin, 1993; Schwarz, 1999). The discourse promoted by the Muslim resurgence was largely conservative, and its outward form was *dakwah* organisations.

However, the movement was not a homogenous entity with clear leadership and organisational structure. These *dakwah* groups were competing with one another and their approach to realise this grand Islamic alternative vision differed widely. Some pushed strongly for the establishment of an Islamic state, while others called for the formation of new Islamic institutions and mosques; revision of existing laws deemed “secular”; promotion of *dakwah* to raise personal piety and spirituality through; creation of business enterprises in the

¹¹⁹ Azhar used the term Islamic revivalism to describe the phenomenon.

name of Islam; or a combination of the foregoing. These ideas later penetrated the political parties, ormas, and campus societies. The study defines groups championing for Islamic state and shariah laws as the Islamist stream of the movement. Some scholars would use terms "fundamentalist" or "utopianist" (Shaharuddin, 2005). Liow (2009), however, argues that Islamists are differentiated from fundamentalists even though both groups desire to return to the "golden age" of Islam. He argues that Islamism is political in nature while fundamentalism is not necessarily so (p.6). The study applies the term "Islamism" to describe groups that desire for Islamic state and comprehensive implementation of shariah law.

Global factors

The Islamic resurgence movement resulted from a general sense of "victimhood" that originated in the following historical episodes: the fall of the Ottoman Caliphate in the 1920s; the first and second world wars; the creation of the state of Israel in 1948; and the invasions of superpowers into Muslim lands during the cold war (1945-1991). In 1923, the last Islamic caliphate, the Ottoman Empire, collapsed. The problems facing the Islamic world were exacerbated in 1948 when the state of Israel was created. The resurgence movement saw the creation of Israel as an encroachment on Jerusalem, Islam's third holiest city. In 1967, the Israeli army extended its control to include Golan Heights, Mount Sinai, and the West Bank in Palestine after defeating Egypt, Jordan and Syria in the Six Days War. Throughout the Cold War (1947-1991), the resurgence movement was never convinced that the United States and Soviet Union were earnest in resolving the problems of the Islamic world. In 1979, they were incensed and outraged when the Soviet Union invaded

Afghanistan. This invasion triggered an exodus of Muslim jihadi fighters, including those from Indonesia and Malaysia, to Afghanistan.¹²⁰ In 1990, the US invaded Iraq in the first Gulf War. This invasion further fanned the movement's anger towards the West. It follows then that perceptions of "Western conspiracy" towards Islam were constantly repeated in the resurgence movement's discourse throughout the Islamic world (Bubalo & Fealy, 2005).

Nevertheless, the Iranian revolution in 1979 gave the movement hope. Ayatollah Khomeini, a 77-year old Shia cleric, led a revolution that toppled Mohammad Reza Pahlavi, the Shah (King) of Iran and a staunch supporter of the US. The movement was inspired by the fact that an ulema could be the agent of change and social revolution. As the revolution unfolded, some Malaysian and Indonesian Muslims went to Iran to see first-hand the political developments in this country. During my fieldwork, Syekh Abdul Halim, the patron of PUM (Persatuan Ulema Malaysia or Ulama Council of Malaysia), and former Terengganu mufti, shared his eyewitness accounts of the Iranian revolution.¹²¹ He went there to learn more about Shia dakwah programmes, and brought back Shia reading materials including the Shia Quranic exegesis *Tafsir Tabataba'i*. The Iranian revolution later inspired the ulema to take control of PAS in the 1980s. Yusof Rawa, who was president of the PAS at that time, acknowledged the significance of Iranian revolution to PAS's struggle from the 1980s onwards. He saw the Iranian ulema as representing the grievances of his

¹²⁰ In fact, these experienced freedom fighters came back to Southeast Asia and participated in terrorist networks such as the JI (Jemaah Islamiah) in the 1990s. There is a vast amount of literature and field of study that examines the issue of terrorism in Southeast Asia that this study does not seek to discuss. For instance, see (Bubalo & Fealy, 2005).

¹²¹ Abdul Halim confesses that he continues to have ties with the Iranian leaders to this day, particularly with the generation that together participated in the revolution. Interview with the Syekh Abdul Halim Abdul Kadir, Patron of the Persatuan Ulema Malaysia (PUM) and former mufti of Terengganu, 26 December 2012.

people and wanted PAS ulema to emulate their struggle (Liow, 2009, p. 34).¹²² Azyumardi (2005, p.8) also states that since the revolution, a number of Indonesian students became interested to learn about Shiism even though they did not necessarily converted to the sect. They travelled to Iran and brought back reading materials on the sect.

The Islamic resurgence movement struggled for the creation of an alternative Islamic political, social, and economic order based on the Quranic verse "Islam as a way of life" or "Islam as *Ad-Deen*." They hoped that their struggle would lead to the formation of an Islamic state, the establishment of Islamic banking and finance, the introduction of Islamic systems and institutions, and the promulgation of Islamic arts and culture.¹²³ The movement also called on Muslims to adopt an all-inclusive commitment to their faith. Their discourse was filled with anti-Western rhetoric, which later often led to exclusivist and anti-pluralistic orientations, such as denying the rights of religious minorities to practise their faith freely. Their call for an alternative Islamic society was extended to aspects such as attire, hobbies, and habits. Many Muslim youths expressed their unhappiness with Western pop music, dancers, drama and films, which were regarded as "promoting decadent indulgences" (Chandra, 1987, p. 4).

Besides Iran, the resurgence movement in Indonesia and Malaysia also looked at how dakwah was organised in other Islamic countries in the Middle East. Indonesian and Malaysian dakwah groups established ties with the Muslim Brotherhood in Egypt; the Jamaat Tabligh (or Tabligh movement) in India; and

¹²² A section of PAS members were accused as Shias (Norshahril, 2014, p. 363).

¹²³ These demands will be clearly showcased in Chapters Six and Seven as part of the capture aims by the official ulema.

Jamaat Islami in Pakistan. The Muslim Brotherhood was the most widely followed and the dakwah groups in Indonesia and Malaysia copied aspects of its organisation, social welfare programs and other economic activities. They were also attracted to Muslim Brotherhood's involvement in building mosques, schools, and medical clinics (Bubalo & Fealy, 2005, p. 14). The writings of two Muslim Brotherhood's ideologue, Hassan Al-Banna (b.1906-d.1949) and Syed Qutb (b.1906-d.1966), were widely circulated among the resurgence circles especially in university campuses. The Muslim Brotherhood was so influential that Islamic study groups in Indonesia, also known as the Tarbiyah, modelled their movement after it. The Tarbiyah was interested in moulding the Muslim community back to the original Islamic sources, and "perfecting" the Muslims' individual character (Machmudi, 2008). These Tarbiyah groups later helped to establish a Islamist political party, the PKS (Partai Keadilan Sejahtera or Prosperous Justice Party) (Bruinessen, 2013, p. 29).

Local factors

Local political and social developments in Indonesia and Malaysia also contributed to the rise of Islamic resurgence. First, the movement had to be understood as a post-colonial phenomenon. Citizens in both countries, especially the Muslims, wished to assert their identity, which was, to some degree, subjugated during the western colonial rule. According to Chandra (2002, p. 219), during the Islamic resurgence period, the dakwah groups called on Malaysians to establish a "unique" civilisation that rejected western domination and control. He also recalled how Muslims displayed their commitment towards Islam by sticking on their cars' windscreens labels that said the "Quran is the answer, Islam is the best, and Islam is all encompassing."

Second, citizens from both countries were recovering from major conflicts and facing several nation-building challenges. In the 1970s, Malaysia just recuperating from the bloody 13 May 1969 racial riots. The Malays and *Bumiputeras* (Indigenous communities) continued to form a large part of the underclass. Comparably, Indonesia too was facing its own set of nation-building challenges. The country was recovering from a leadership transition after a military coup in 1965. In addition, the Suharto government also had to deal with widespread rebellions and insurgents. Between the 1970s and 2005, the government was confronted with the Gerakan Aceh Merdeka (Free Aceh Movement or GAM). Suharto was committed to reunite a diverse nation after all these conflicts that arose during Sukarno's rule (1949-1966).¹²⁴

Third, Suharto's and Mahathir's industrialisation and foreign policies also contributed to the resurgence movement's anti-western sentiments and desire to create an Islamic alternative to the West. Both leaders wanted to strengthen their ties with the Asian economic powerhouses such as South Korea and Japan. In the 1980s, the economies of both countries shifted from agricultural and import-substitution to export-oriented. In the 1990s, Mahathir introduced the "Look East Policy" and was active in the Asian Values debate.

Fourth, Islamic resurgence occurred within the context of Indonesia's and Malaysia's rapid economic growth and urbanisation. Both Suharto and Mahathir

¹²⁴ One of them was the Darul Islam Rebellion, which took place in different parts of Indonesia and in some instances was not related to one another. The rebellion in West Java was led by Kartosuwirjo, declaring West Java as an Islamic state. In South Sulawesi, an army rebel Kahar Muzakkar led a rebellion and joined the Darul Islam movement in 1951. In Aceh, there was the Darul Islam rebellion, which was separatist in nature. The Aceh Darul Islam movement was led by Daud Beureueh.

brought immense economic progress to their respective countries. Under Suharto, Indonesia experienced significant reduction of poverty, and saw a marked improvement in infrastructure, health and medical services, which gave rise to the emergence of a strong middle class (Aspinall & Fealy, 2010, p. 5). For three decades (1965-1997), Indonesia's economy grew on average five per cent per annum. The same can be said about Mahathir's contribution to Malaysia's economy. Mahathir's industrialisation drive elevated Malaysia to be one of the Asia's emerging economies in the 1990s. Malaysia's GDP growth was at high levels of 9.5 per cent in 1995 and 8.2 per cent in 1996, before the 1997 Asian financial crisis (Milne & Mauzy, 1999, p. 74).

Indonesia's and Malaysia's economic growth resulted in the creation of new aspirations, habits and consumption patterns. It also led to rapid urbanisation and the expansion of the new middle-class. Workers and students from the villages migrated to the urban areas seeking employment and education respectively. Urbanisation uprooted these villagers, forcing them to leave their communities and adapt to modern social lifestyles. The adjustments these villagers had to make also created a sense of insecurity among them and they saw religion as a panacea to this spiritual emptiness. This explains why Islamic resurgence discourse had the greatest impact in the urban cities such as Jakarta, Bandung, and Kuala Lumpur. In Indonesia, the ITB (Bandung Institute of Technology) which is located in Bandung, became the centre for dakwah activities. ITB students later relocated their dakwah activities to the Salman Mosque after Suharto banned all forms of political activity on campuses (Schwarz, 1999, p. 174). According to Vatikiotis (1998, p. 129), places such as the Salman Mosque became the ground for the expression of "political

dissatisfaction and frustration." Activities at the Salman Mosque included discussions of serious issues centring on Muslim development and Islam's place in it. The resurgence movement also utilised pop culture in their preaching to attract youths to join their ranks (Hefner, 2000, p. 123). Similarly in Malaysia, university campuses in Kuala Lumpur, such as UM (University of Malaya), UKM (National University of Malaysia), and IIUM (International Islamic University of Malaysia), became the centre for dakwah activities. The cohort that graduated from these Indonesian and Malaysian universities are appointed in key positions in the state today.

Dakwah groups and their ideologues

The resurgence period saw the proliferation of dakwah groups and charismatic leaders. Those groups and leaders aligned to the state's ideology were invited to participate in state's co-optation institutions. Conversely, leaders and organisations who were hostile to the state's ideology were either pressured to conform or faced marginalisation or banning. In Malaysia, one such organisation that was banned was the Darul Arqam movement led by Ustaz Ashaari Muhammad (b.1937-d.2010). Ashaari's views were largely anti-West and he went so far as to call for Western philosophies such as communism, socialism, and capitalism to be countered and defeated (Ahmad Fauzi, 2005; Ashaari, 1990, p. 74).¹²⁵ For Darul Arqam members, the desire to live in an Islamic way of life extended to the realm of culture and family life. For instance, Darul Arqam women wore the *niqab*, a black dress or gown which covers the

¹²⁵ The differences in theology colour the state-Darul Arqam relations in the 1990s, which eventually led to the latter's banning. Although the Malaysian government portrayed the ideas and manners that Darul Arqam were striving for as antithetical to modern life, the government did not condemn Darul Arqam's underlying philosophy to create an Islamic alternative to the Western way of life. For an account of the ideological differences between the government and Darul Arqam, see Ahmad Fauzi, 2005.

whole body except the eyes and hands (Camroax, 1996); while the men wore the *jubbah* (Arabic style garment) and pony-tailed skull cap (Norshahril, 2012a). At its peak, the movement had a membership as high as 10, 000 (Camroax, 1996). In 1994, the government banned the movement and detained Ashaari.¹²⁶ After Ashaari was detained, the movement split into several smaller groups; some of its members went on to become notable university academics while others ventured into businesses (such as Rufaqa Corporation Sdn Bhd) or became recording artists, singers and musicians in Islamic boy bands such as Raihan and Rabbani. In June 2011, former women members of the movement formed the Obedient Wife's Club, which advocates that having more filial and devoted wives could reduce marriage problems, infidelity, and domestic violence. These splinter groups demonstrated how Ashaari's enthusiasm to create an "Islamic alternative" has remained strong among Darul Arqam's former members.

Besides Ashaari, another key ideologue of the Malaysian resurgence movement was Professor Naquib Al-Attas. ABIM members considered Al-Attas as their mentor. Compared to Ashaari, Al-Attas had fewer followers. However, his writings remain influential to this day and continue to be read by undergraduate students. In the 1980s, Al-Attas was the Dean of the faculty of Arts in UM (Norshahril, 2012a; Zainah, 1987). It is during this period that he mentored campus dakwah leaders, and one of them was Anwar Ibrahim. Anwar was former president of ABIM who later became Malaysia's Deputy Prime Minister.

¹²⁶ Although the Malaysian government portrayed the ideas and manners that Darul Arqam were striving for as antithetical to modern life, the government did not condemn Darul Arqam's underlying philosophy to create an Islamic alternative to the Western way of life. For an account of the ideological differences between the government and Darul Arqam, see Ahmad Fauzi 2005.

Siddiq Fadhil, who became the ABIM president after Anwar concurred about Al-

Attas's role in mentoring dakwah leaders

I have to admit that I benefitted much by studying under Professor Syed Naquib Al-Attas. A lot of new things I have learnt and they include the role of Islam in Malay history and Malay culture. I really became enlightened. The role of Islam is often belittled by the Orientalists because they wanted to highlight the role of the West. So Islam's role is seen as less important, even though Islam builds the Malay race, not the West. The West came later, but it did not build the Malay identity. Apart from this, there are other issues such as contemporary thought, secularism, and education. These things enlightened me.¹²⁷

Al-Attas often generously hosted students for discussions at his office or home.

His most important contribution to the movement was his book *Islam and Secularism*. Published in 1978, the book called on Muslims to "de-westernise knowledge" (Al-Attas, 1978). In the book, Al-Attas portrayed the West as a "civilisation in decline, materialistic and this-worldly." Moreover, he regarded Western thought and philosophy as conflicting with Islamic thought. Being Al-Attas's student, Siddiq's writings in the 1980s expressed the same distrust towards western institutions and knowledge. According to Siddiq,

Under the Western secular laws, the world is getting less safe. It's about time the world accepts Islamic laws in order to recover peace and human civilisation ... Islamic laws not only punish, but they are educative in nature. Islamic laws are equipped with moral values, unlike secular laws, which are devoid of morality to the extent that there can be a situation where one's deed is legally right but morally wrong. The implementation of Islamic laws will facilitate a more substantive Islamisation process which forms the basis for human transformation- in building an *ummat* in realising Islamisation (Siddiq, 1989, pp. 160-162).

Al-Attas's ideas have been construed later by his students to promote the Islamisation of the economy through Islamic finances, banking, and insurance, as well as Islamisation of the state, law and education (Norshahril, 2012a). Interestingly, the current ABIM vice-president, Jufitri Johar, has said that the

¹²⁷ Interview with Dato' Dr Siddiq Fadzil President of Kolej Darul al-Hikmah, 24 April 2013. He was also the former president of ABIM from 1982 to 1991.

organisation's current leaders continue to consult Al-Attas who conducts fortnightly lectures at the Mara Technological University (UTM).¹²⁸

While Al-Attas acted as the ideologue for Malaysian dakwah activism, Imaduddin Abdul Rahim was his counterpart in Indonesia. He was an engineering lecturer from the ITB. In the 1970s, Imaduddin came to Malaysia to teach at the Universiti Teknologi Malaysia (Malaysian Technological University or UTM). This was where he was exposed to Muslim Brotherhood's teachings. He also conducted a series of small discussion groups on Malaysian campuses on how youths could lead an Islamic way of life and follow the teachings of the Quran. Imaduddin's presence in Malaysia facilitated the exchange of ideas between university students from the two countries. Imaduddin helped to establish a strong network between ABIM and the HMI (Himpunan Mahasiswa Islam or Muslim Tertiary Students Association) in Indonesia. In return, ABIM organised many student exchange programs to universities in Jakarta and Bandung, where they learnt from the Indonesians how to transform ideas and thoughts in action.

During this period, the Tarbiyah members in Indonesia felt they were making a new world and the Quran and Sunnah could provide the answers to Muslims predicament. They felt that Islam could make Indonesia a better place. The movement gained strength in the early 1980s in campuses, in the context of the state banning all form of political activities on campuses. Members of the movement would divide themselves into groups of five to ten people and conduct prayers, *zikir* (remembrance of good), and Quran recitation together.

¹²⁸ Interview with Jufitri Johar, ABIM Vice -President. Email Interview 11 June 2013

The movement later expanded, and the followers conducted meetings more frequently from house to house. In each of these meetings, an ulema will deliver a lecture (Ismatu, 2007, pp.131-132).

In the mid-1980s, the state formed the LDK (Lembaga Dakwah Kampus or Campus Dakwah Body) to oversee Islamic societies in campuses such as Salam UI (University Indonesia); Salman ITB (Bandung Technological Institute); and JS UGM (Gajah Mada University). The Tarbiyah movement was well organised that it dominated the body, which allowed its members to have closer access to the state. Modelling the organisation after the Islamic Brotherhood, the Tarbiyah laid down several key tenets of the movement. It felt that only a return to the model the Prophet Muhammad and his disciples created would ensure Indonesian Muslims progress. Followers were encouraged to carry out religious rituals such as prayers, fasting, and Quranic recitation: to strengthen one's belief; to request the state to build institutions in line with Islamic principles; to build economic infrastructure in line with Islamic teachings, and to foster strong sense of Islamic brotherhood among members (Ismatu, 2007, p.139). The Tarbiyah movement was less strict compared to Muhammadiyah and Persis; and it allowed sufi rituals purists would consider innovations. One Tarbiyah activist, Muslikh Abdul Karim, said that he continued to practice the *tahlilan* (special prayers for the deceased) after joining the movement (Machmudi, 2008, pp.63-64). Unlike the HMI (Himpunan Mahasiswa Indonesia or Muslim Tertiary Students Association) members who were active in engaging intellectual discourses, the Tarbiyah was more concerned about building a moral individual (*muwassafat*) (p.63), even though they also discussed works by Hassan Al-Banna, Syed Qutb, and Yusuf Al-Qaradawi.

In short, the Islamic resurgence movement has to be understood both as a global and local phenomenon. In grappling with the problems of their respective societies, resurgence groups looked to the organisations from the Middle East for inspiration. While the Iranian revolution generated the zeal for change, the Muslim Brotherhood became the model for dakwah organisation. Mahathir and Suharto co-opted the ulema and intellectuals to contain the movement. However, both leaders also considered the long-held religious cleavages in designing their co-optations strategies.

Religious cleavages in Indonesia and Malaysia

Social cleavages refer to divisions that can be formed along the lines of social class, religious beliefs, ethnicity, geography (rural-urban), or political ideologies. These cleavages form the foundations of political parties, institutions, and associations. Although extensive studies exist on religious cleavages in Indonesia and Malaysia, it is still necessary to discuss their key traits in this study because they factor in Suharto's and Mahathir's co-optation strategies. As shall be elaborated in Chapter Five, I argue that Suharto and Mahathir capitalised on existing religious cleavages in designing the most effective co-optation technique.

The traditionalist-modernist cleavage in Indonesia

In Indonesia, the main religious cleavage lies between the traditionalists and modernists (works that have discussed this include Azyumardi, 2005; Fealy &

Barton, 1996; Noer, 1973; Suzaina, 1999).¹²⁹ Traditionalists maintained that Islam should closely follow the legal opinions and traditions inherited by scholars and savants of the past. They did not deny that texts can be reinterpreted, but believed that the gates of *ijtihad* (independent judgement) have closed, and that opinions of the four classical schools of jurisprudence Hanbali, Maliki, Hanafi, and Shafii be adhered to closely. This means that no *ijtihad* can be carried out after almost a millennium. In Indonesia, the largest traditionalist organisation was NU which was formed in 1926, with the smaller ones being Nahdlatul Wathon and Washliyah. Modernists, on the other hand, were more cosmopolitan in their religious outlook and placed greater emphasis on reasoning. They believed that the Quran and the Sunnah should be constantly interpreted and re-interpreted based on the present context, and not be bounded by the schools of jurisprudence. Indonesian modernists were closely associated with the Muhammadiyah, which was founded in 1912 (Means, 2009, p. 59), and the smaller organisations such as Persis (Persatuan Islam Indonesia or Islamic Association Indonesia) and Al-Irsyad Al-Islamiah. However, on aspects related to doctrines and rituals, Muhammadiyah members are conservatives (Azyumardi, 2005, p.15). They questioned prevalent religious practices associated with the traditionalists such as idol worship, mysticism and innovations (*bid'ah*), which were seen as deviating from Islam's monotheism.

In today's context, the traditionalists and modernists have converged in many areas, including matters on religious rituals and jurisprudence (Barton, 1995). NU and Muhammadiyah members interviewed during fieldwork said that they

¹²⁹ The term traditionalism and modernism have been applied differently by some scholars who have used these terms to distinguish thought styles. See Noor Aisha, 2004.

had overcome differences on rituals in prayers, gravesite visit, and communal feasting (*selamatan*).¹³⁰ Nevertheless, there continues to be clashes between NU and Muhammadiyah during times of political crisis. Bush (2009) reckons that the traditionalist and modernist cleavage continues to shape contemporary Indonesian Muslims' public behaviour today. Even when given the opportunity to ally themselves with modernist Muslims to combat militancy in the context of post-9/11, according to Bush, NU activists are unable to overcome their deep hostility towards the modernists (p.13). Conversely, the modernists continue to harbour distrusts towards NU members.

In fact, NU and Muhammadiyah leaders continue to disagree on the correct method of determining the important religious holidays and festivals in Islam. Muhammadiyah leaders relied solely of astronomical calculations (*hilarf*) whereas NU members followed the traditional sighting of the crescent moon (*ru'yah*) method. In 2007, followers of the two organisations began their fasting (in the month of Ramadhan) and celebrated Eidulfitri (a day commemorating the end of fasting in Islam) on different days. Muhammadiyah members celebrated Eidulfitri to be on the 12 October while NU on the 11 October. In July 2012, Muhammadiyah boycotted the *Istinbat* meeting (a meeting with government officials along with NU to determine the date for Eid), because the government insisted on using the *ru'yah* method (Nadirsyah, 2012, p. 11). In 2013, Muhammadiyah followers began their fasting on 9 July, whereas the NU followers started theirs on the 8 July.

¹³⁰ These views were expressed by both NU and Muhammadiyah members in MUI. They include Amirsyah, Ma'ruf Amin, Isa Anshary, and Akbar Kurniawan.

It is important to understand these contestations between NU and Muhammadiyah because Suharto favoured the modernists, and his policies were often directed at weakening the influence of the traditionalists. Ricklefs characterises Suharto's policies as a "modernist-led Islamisation" (Ricklefs, 2012, pp. 185-186).¹³¹ This so-called modernist "favouritism" had a bearing on Suharto's choice of leaders for the Islamic institutions he created. Suharto, his ministers, and state officials also intervened NU's internal affairs in order to weaken the organisation internally. Suharto's interference in NU's elections was evident in the 1984 MUNAS (Musyawarah Nasional or National Congress). During that MUNAS, NU was split into the "Cipete" and the pro-*Khittah* factions. The Cipete faction wanted NU to remain as a political party in PPP while the pro-*Khittah* faction, led by Abdurrahman Wahid, wanted NU to cease its involvement in PPP and return to the organisation's founding objectives as a non-political religious organisation. Consistent with his views that Islamic organisations should be politically compliant, Suharto lent his support to the pro-*Khittah* faction. Abdurrahman's faction won the contest and NU left PPP.

During the 1994 MUNAS, Suharto again exploited the internal divisions within NU for his government's gain. This time, Suharto wanted to topple Abdurrahman Wahid for being overly critical of his presidency (Suzaina, 1999, pp. 308-313).¹³² He backed Abu Hasan, Chalid Mawardi, and Fahmi Syaifuddin, who were Abdurrahman Wahid's challengers for NU's leadership posts. The three

¹³¹ This is not to suggest, however, that Suharto favoured all forms of modernism. He restricted the political role of former Masyumi members who had in the past struggled for a Islamist brand of modernism.

¹³² Some members of the state however supported Abdurrahman Wahid's candidacy. Amongst those who supported Abdurrahman Wahid were State Secretary Moerdiono, Edy Sudrajat and Try Sutrisno (Suzaina, 1999, p. 309)

challengers formed the Asal Bukan Gus Dur (Anyone except Gus Dur) camp (Fealy, 1996, p.261). Suharto's campaign failed, and Abdurrahman Wahid retained his position as NU chairman. Yet, Suharto continued to encourage Abu Hasan to stage a struggle for the leadership within NU (Barton, 2002, p. 210). Abdurrahman Wahid's loyalists admitted that Suharto acted as the *dalang* or shadow puppeteer in wanting to oust the NU Chairman from power (Suzaina, 1999, pp. 318-319).

The traditionalist-modernists cleavage is also played out in contemporary MUI. For example, representatives from NU and Muhammadiyah in MUI blame one another for the controversial 2005 SIPILIS fatwa. Liberal Indonesian scholars have condemned the fatwa as conservative and embarrassing to MUI. They regarded the fatwa as a step back for a progressive Islamic country such as Indonesia. When the fatwa was issued, Din Syamsuddin was concurrently Muhammadiyah Chairman and MUI Vice-Chairman. The fatwa, however, was signed and endorsed by NU leaders Sahal Mahfudz and Ichwan Sam. Back in 2005, Sahal concurrently held the positions of NU's Rois Am Syuriyah (President) and MUI Chairman. Ichwan Sam, a senior NU leader, was MUI's Secretary General then. Muhammadiyah members felt that Din Syamsuddin should not be held accountable for the controversial fatwa, and that NU leaders in MUI should be held responsible instead. Abdul Mu'ti, secretary of Muhammadiyah Central Board, remarked "The ones who endorsed the fatwa in MUI are Kiai Sahal and Pak Ichwan Sam. It is not fair [to blame Din Syamsuddin]. Why only blame Muhammadiyah members? Ma'aruf Amin [key

MUI leader] is also from NU.”¹³³ On the other hand, Imdadun Rahmat, NU’s vice-secretary general, said that NU should not be implicated for any of MUI’s decisions, even though NU’s leaders are represented in the institution.¹³⁴

In brief, the traditionalist-modernist cleavage played an important role in Suharto’s co-optation strategy. As will be discussed in the next chapter, Suharto sought to smooth over these cleavages by creating MUI and PPP, and later ICMI. Although it can be interpreted as a noble gesture on Suharto’s part, the creation of these institutions was mainly to avert threats to his authority and to shape a community to suit his developmental goals. Ultimately, he was also motivated to weaken NU’s influence. Moreover, Suharto sought to remove all sources of social tension. His ideal was order and harmony as well as regime control.

The rise of Islamism in Malaysia

In Malaysia, Islamic doctrinal contestations between traditionalists and modernists also occurred at everyday levels, and they centred around Malay rites and rituals (Norshahril, 2011). Malaysians commonly refer to the traditionalists as *Kaum Tua* (Old Camp) while the modernist *Kaum Muda* (Young Camp). Traditionalists were tolerant towards Malay customs or *adat* (traditions and cultural norms), and other religious rituals such as the *maulid* (celebration of Prophet’s birthday), *zikir* (mass congregation that encompasses chanting), and *ziarah kubur* (visits to the graves of holy persons) while

¹³³ Interview with Abdul Mu’ti, Secretary Central Board Muhammadiyah, 7 January 2013.

¹³⁴ Interview with Imdadun Rahmat, 30 November 2012.

modernists considered these as *bid'ah* or innovations. However, there was no mass movement or ormas comparable to NU and Muhammadiyah in Malaysia to represent traditionalists and modernists. Yet, there is one other significant differentiation between the two camps in Malaysia: traditionalists were closer to the royal courts, Malay aristocracy and conservative Malay elite (in UMNO) than modernists (Farish, 2004, p. 32);¹³⁵ even though the modernists were not anti-royalty (Roff, 1994, p. 65).

From the late 1970s, Malaysia witnessed a rise in Islamist ideas accentuating the traditionalist-modernist cleavage, and threatening UMNO's ethno-nationalist ideology. Ulema who returned to the country upon completing their studies in the Middle East and South Asia contributed to this rise. On religious matters, the Islamists perpetuated modernist discourse against *bid'ah* and Malay adat, but on the political front, they advocated for the formation of Islamic state and implementation of shariah laws. PAS and dakwah groups became vehicles for Islamist ulema to realise these objectives. In 1978, Islamist ulema such as Hadi Awang, Fadzhil Noor, Mustafa Ali, Subky Latif, Nakhaie Ahmad and other ABIM activists joined PAS (Farish, 2004, pp. 329-443; Hussin, 1990, p.112; Liow, 2009, p.35).¹³⁶ They then led to the party abandoning its original goals that shared many elements of UMNO's ethno-nationalism (Funston, 1980, p. 136).

¹³⁵ These categories are also not foreign in the discussion of the Indonesian Islamic orientation, particularly in Sumatera. One prominent Kaum Muda ulama is Syed Syekh Al-Hadi, who wrote *Islam dan Akal* (Islam and Rationalism) in the early 20th century. The Kaum Muda in Malaya never succeeded in consolidating and aggregating their interests into a mass-based organisation like the modernist Muhammadiyah or Sarekat Islam in Indonesia.

¹³⁶ PAS has always been UMNO's biggest rival since the elections in 1955. When PAS was formed in 1951, it did not start as a party of ulema. PAS's advocacy for an Islamic state began since the 1980s. While Dr Burhanuddin Al-Helmy, PAS's third president (1956-1969), proposed Malaysia to be established as an Islamic state, governed under the teachings of the Quran and the Sunnah of the Prophet, he was mainly looking for a Malay-Islamic unity with Indonesia.

Their disagreements for UMNO did not centre on religious grounds only, but also political. These ulema felt betrayed by UMNO for making the party a junior partner when they were part of the BN coalition (1974-1978). They were furious when UMNO allowed the Berjasa (Barisan Jemaah Islamiah Se-Malaysia or Pan-Malaysian Islamic Front) party to contest in the 1978 election under the BN coalition, a move they felt, was deliberately attempting to weaken PAS (Hussin, 1990, p.111). Indeed, Berjasa won 11 seats that PAS considered as theirs. In 1978, PAS left the BN coalition and in 1981, the ulema faction forced the then president Asri Muda to resign from the party. Asri was replaced by an Islamist ulema Yusuf Rawa. The ulema then amended the party's constitution that led to the formation of the Shura Council, its highest decision-making body. The Islamist ulema won key positions in the council.

Throughout the 1980s, PAS continued championing an Islamic state and shariah laws but with limited success. In the 1982 elections, PAS only secured five parliamentary seats while in the 1986 election, it secured only one. However, in 1990, PAS struggle came to fruition. In that year, the party captured seven parliamentary seats (six more than the previous elections) and most importantly, became the government for Kelantan. In 1993, the party introduced the Kelantan Syariah Code (II) bill. The code included hudud offences such as robbery, unlawful sexual intercourse, intoxication, apostasy, and theft. The punishments to these offences include stoning, whipping and amputation. Offences not clearly stated in the Quran are deemed as *takzir* and the punishments for them include fines or jail (Farish, 2004, p. 501). The federal government rejected PAS's move because it was unconstitutional.

As I will discuss further in the following chapter, PAS's move towards Islamism, and its eventual success in capturing Kelantan, prompted Mahathir to intensify his Islamisation agenda. In fact, since the 1990 victory, PAS did not relent in pushing its agenda. In 2002, the PAS government in Terengganu wanted to introduce the Terengganu Syariah Criminal offences. In 2003, PAS issued the *Dokumen Negara Islam* (Islamic State Document) detailing its plan for the establishment of an Islamic state in Malaysia and in 2014, some PAS members proposed a private members' bill in parliament to push for the implementation of shariah hudud laws. Thus, many of UMNO's policies in the late 1980s and 1990s were aimed at thwarting PAS, including the empowerment of official ulema institutions and the religious bureaucracy.

Conclusion

This chapter highlights the significance of the Islamic resurgence period in understanding the origins and powers of present day religious institutions in Indonesia and Malaysia. Islamic resurgence resulted from a combination of international and local factors, and was marked by a shift in outlook of Muslims particularly in urban centres such as Jakarta and Kuala Lumpur. In general, there was a sense of "victimhood" and "hope" amongst global Muslims as well as those in Indonesia and Malaysia. The Arab-Israeli conflict and the Cold War politics further reinforced the sense of Muslim victimhood. On the flipside, in 1979, the Iranian Revolution and the outreach by transnational movements such as Islamic Brotherhood, Tarbiyah, and Tabligh, among others, generated

hope for an Islamic order that could be a viable alternative to the West. The resurgence period is the most exciting time for many Muslims. Many felt that the time was right for Islam to reinstate its role in the public sphere by defining the nature of institutions, governing systems, and social relations.

This triggered the Muslim resurgent movement to Islamise the state and society in their respective countries. They demanded the introduction of shariah laws, Islamic institutions, Islamic codes and ethics, moral policing, and ultimately, an Islamic state. Initially, the impact of Islamic resurgence was far more prevalent in Malaysia compared to Indonesia, but by the mid-1980s, the rise in piety was equally strong in Indonesia.

Although leaders in both countries undertook many common policies to respond to the resurgence, other political considerations shaped their contrasting co-optation strategies. One is the religious cleavages that existed in their respective societies. I consider Suharto and Mahathir as modernists in their religious outlook, but the traditionalists form a major part of their respective societies. The traditionalists in Indonesia are more organised compared to Malaysia, and through NU, posed the greatest political challenge to Suharto. Apart from wanting to neutralise NU's political challenges, Suharto also genuinely wanted to reform the Muslims, and saw the modernists' worldview as being closer to his progressive outlook than the traditionalists are. The modernists too had been forthcoming in embracing Pancasila. While Mahathir can be considered a modernist, the political situation in Malaysia is different from Indonesia's. The traditionalists are tied to the royal courts and likely to

support UMNO's ideals. Conversely, with some exaggeration, the modernists became more Islamist in their outlook and galvanised their support to PAS and the dakwah groups. In the next chapter, I shall discuss how these considerations affected Suharto's and Mahathir's co-optation strategies. MUI and MKI were by-products of their response to the resurgence movement.

Co-opting Muslims: The contrasting approaches of Suharto and Mahathir

Suharto and Mahathir undertook several strategies to neutralise the Muslim resurgence movement. They introduced Islamisation policies; built or upgraded Islamic institutions; and most important of all, co-opted dissenting voices, potential challengers, and ulema into state-sponsored institutions. This chapter examines the contrasting ways Suharto and Mahathir co-opted potential threats, particularly the ulema, into their government structures. I categorise Suharto's co-optation strategy as "symbolic institutionalism" and Mahathir's as "substantive institutionalism," the essential differences of which are the degree institutions are empowered, the leaders' motivations, and their techniques of control. Understanding these differences is important for the overall argument of the study. Suharto's and Mahathir's co-optation strategies characterise ulema institutions that developed subsequently. These strategies continue to shape and constrain contemporary official ulema's capture objectives, long after the two leaders stepped down from high political office.¹³⁷

I refer to Suharto's co-optation strategy as symbolic institutionalism because he was less interested in empowering the Islamic institutions than was Mahathir. He was reluctant to accord these institutions legal and enforcement powers.¹³⁸

¹³⁷ The official ulema capture of the state will be dealt separately in chapters Six and Seven.

¹³⁸ This explains why MUI's struggle after Suharto's downfall is to have its roles recognised, defined, and expanded in state law (to be discussed in Chapter Six).

Suharto claimed that the reason he built Islamic institutions was to unite diverse Muslim groups in the country. However, Suharto's real motivations were to ensure Islamic groups legitimised his authority. He also formed these institutions to contain challenges from Islamic ormas, especially NU (Nahdlatul Ulama or Revival of Ulama), and from the mid-1980s, to counterbalance declining support from the military to the regime. Suharto invited representatives from different ormas to participate in these institutions, but his underlying hope was to have rival political and religious groups compete with one another. The pre-condition for membership in these institutions was to accept Pancasila as the ideology. As will be discussed shortly, the institutions formed under symbolic institutionalism were MUI (Majelis Ulama Indonesia or Ulama Council of Indonesia), PPP (Parti Persatuan Pembangunan or United Development Party), and ICMI (Ikatan Cendekiawan Muslim Indonesia or Indonesia Association of Muslim Intellectuals).

In contrast, Mahathir's co-optation focussed on empowering ulema institutions with legal and enforcement powers. As discussed in Chapter Three, Mahathir upgraded federal religious institutions JAKIM (Jabatan Kemajuan Islam Malaysia or Department of Islamic Development Malaysia) and IKIM (Institut Kefahaman Islam Malaysia or Malaysian Institute for Islamic Understanding) which act as MKI's (National Council for Islamic Religious Affairs Malaysia or Majlis Kebangsaan Bagi Hal Ehwal Ugama Islam) administrative and research wings. Some of these federal institutions also oversee the lucrative halal certification and Islamic economics sectors. Mahathir's primary motivation for creating these institutions was to out-Islamise PAS (Parti Islam se-Malaysia or Islamic Party of Malaysia) and contain dakwah groups. He invited influential

Islamic intellectuals and ulema willing to support UMNO's (United Malays National Organisation) ideology to these institutions. Table 2 sums up the differences between symbolic institutionalism and substantive institutionalism.

Table 2. Key Differences: Symbolic institutionalism and substantive Institutionalism

	Suharto's Symbolic Institutionalism	Mahathir's Substantive Institutionalism
Degree of empowerment	<ul style="list-style-type: none"> No significant powers delegated to institutions Poorly funded 	<ul style="list-style-type: none"> Significant delegation of powers Well-funded
Motivations for control	<ul style="list-style-type: none"> Support Pancasila Containing NU and Islamic parties 	<ul style="list-style-type: none"> Support Rukunegara Out-Islamising PAS
Techniques of control	<ul style="list-style-type: none"> Inviting representatives from competing groups Repressive towards hostile groups and few concessions to official ulema 	<ul style="list-style-type: none"> Major concessions to official ulema

Both leaders co-opt potential threats to their rule together with repression. Suharto mobilised the military to clamp down any dissidents (as in the 1984 Tanjung Priok Affair, 1976 GAM rebellion in Aceh, and 1989 Lampung massacre). For the same reason, Mahathir applied the draconian ISA (Internal Security Act), which allowed detention without trial, against his political adversaries. In 1994, the ISA was applied to Ustaz Ashaari Muhammad (Darul Arqam leader), and in 2001, six Shia followers were detained for being deemed as posing security threats (Norshahril, 2014). In 1998, the Ministry of Home

Affairs used the ISA against Deputy Prime Minister Anwar Ibrahim after he was sacked from the cabinet.

However, Suharto was more repressive and brutal than Mahathir in clamping down on dissenting Islamic groups. This resulted in narrower spaces for overtly anti-government institutions in Indonesia than in Malaysia. During the New Order, the state limited outlets available to ulema to express different opinions. All disagreement had to be channelled through one of the institutions Suharto created. In these institutions, he drew together a wide range of ideas, which exacerbated internal conflicts. He capitalised on existing tensions between modernists and traditionalists by inviting them into the same institution. Moreover, he did not have to concede much to the ulema as he was able to keep these institutions under his control. Conversely, Malaysian ulema had the option of affiliating with strong, anti-government institutions, had Mahathir not yield to their Islamisation agenda. PAS became the most important vehicle for ulema's discontent with Mahathir's handling of Islamic affairs (Osman, 2003, p. 135). Apart from PAS, there were other anti-government ulema institutions such as ABIM (Angkatan Belia Islam Malaysia or Islamic Youth Movement of Malaysia) and PUM (Persatuan Ulama Malaysia or Ulama Association Malaysia). The presence of these alternative vehicles for ulema explained why Mahathir sought to empower official ulema institutions in order to attract influential ulema and intellectuals into them.

This chapter demonstrates that Mahathir's co-optation strategy was geared to neutralise Islamism from the start, while that of Suharto began as an attempt to control Islamic groups and evolved into one that sought to neutralise them. By

control, I am referring to the state expecting Islamic groups to conform to its wishes, and using coercion to achieve this goal. By neutralisation, I refer to the state's move to minimise society's ability to effect change. If placed on a spectrum, neutralisation falls between state control and state accepting society's wishes absolutely. In the 1970s, Suharto sought to control the ulema through PPP and MUI. By 1990, Suharto could only neutralise the societal demands, mainly because the undercurrents of democratisation had become stronger. The formation of ICMI is a case of neutralisation on the part of the state. For the case of Malaysia, Mahathir could only afford to neutralise the opposition. He could not control them as much as Suharto did the opposition in Indonesia in the early years of the New Order regime, because the demand for shariah in Malaysia was strong in the 1980s and 1990s. Moreover, as will be discussed shortly, Mahathir had to fight on another front: Razaleigh Hamzah's challenge to his leadership in UMNO.

The following sections discuss Suharto's and Mahathir's contrasting co-optation strategies. I begin with Suharto's motivations in creating PPP, MUI and later ICMI. Suharto created PPP and MUI to weaken NU's power base, and ICMI to counter the military. Suharto's technique of control was demonstrated in these institutions where he grouped traditionalists and modernists to play them off against each other. A discussion of Mahathir's motivation for undertaking massive Islamisation will then follow. He was interested in containing PAS and the growing Islamism in the country. He was also keen to align Islamic interests with his industrialisation agenda. Rather than weakening ulema, he strengthened them with powers to out-Islamise his challengers.

Suharto's symbolic institutionalism: PPP, MUI and ICMI

To reiterate some key definitions from Chapter One, co-optation refers to a state's behaviour in "absorbing new elements into the leadership of policy-making or policy determining structure of organisation as means of averting threats to its stability or existence" (Selznick, 1948, p. 34). In most instances, these new elements receive rewards from the state and are accorded high social status, but do not challenge the basic tenets of the state's ideology. Suharto's symbolic institutionalism functioned as a form of co-optation instrument, and was reflected in three institutions: MUI, PPP, and ICMI.¹³⁹ Suharto was not interested in empowering these institutions and neither was he concerned about developing them as interest mediation institutions that represent their constituencies' requests to the state. MUI and ICMI functioned more like "talk-shops" than institutions that had significant influence on state's policies. These institutions also played a legitimising role for the New Order regime, as well as in ensuring stability for the country.

Although Suharto's narrative for forming these institutions was for national unity (Cribb, 2010, p. 71), his primary motivations were to control any form of ulema opposition to the state's ideology of Pancasila. Suharto also wanted to contain the public role of Islam and mould Islamic discourse so that it served his nation building and industrialisation agenda. Political and religious developments in the

¹³⁹ The PPP does not meet the criteria of Selznick's co-optation. It is a political party and the members of the party do not receive direct rewards by the state. However, I include PPP as a co-optation institution because the thinking underlying its formation mirrors MUI and ICMI.

1970s and 1980s, however, explained the differences in Suharto's motivations in forming MUI, PPP and ICMI. Suharto formed MUI and PPP primarily to contain NU.¹⁴⁰ The formation of ICMI in 1990 has to be understood with respect to developments in the mid-1980s. During this period, Suharto also saw waning support of a section of the military linked to military commander Benny Moerdani, especially BAIS (Badan Intelijen Strategis or Indonesian Military Intelligence). Suharto formed ICMI as part of his efforts to shore up Muslim support to counter the military (Hefner, 2000, p. 158).

Suharto's symbolic institutionalism was also different from Mahathir's substantive institutionalism in terms of its techniques of controlling dissenting actors. Suharto capitalised on religious cleavages between traditionalists and modernists, as well as divisions within the two groups that I have discussed in Chapter Four. He also sought to weaken the organisational bases of independent groups by playing against one another rival factions or personalities in institutions. Suharto carefully determined who should be included and excluded in these newly formed institutions. For instance, Suharto invited three diverse groups to join ICMI—the political reformists and activists, and regimists (pro-Golkar individuals)—knowing that these leaders had different views on many religious and political issues (Hefner, 2000, pp. 143-152). Similarly, Suharto allowed NU leaders sympathetic to his ideas to occupy the leaderships of MUI and PPP together with modernist ulema and politicians. This move sowed the splits within NU members in the early 1980s.

¹⁴⁰ Suharto favoured the modernists over the traditionalists. His preference for modernism is understandable because he grew up studying in a Muhammadiyah high school and graduated in 1939. See Ricklefs, 2012, p. 118.

However, why were members of these existing ormas, or for that matter, state's critics, attracted to join MUI, PPP, and ICMI? The main attraction of these peak institutions was the official recognition they aroused to participants and opportunities for advancement. These institutions allowed participants direct access to the President, ministers, and state officials. In addition, status and source of important networks were also attached to the *pejabat* or political offices. More importantly, Suharto's repressive tactics restricted alternative channels for opposition apart from those he created. The Suharto government disbanded, fragmented, and counterbalanced opposition groups with new, state-controlled structures. The state installed structural impediments, including co-optation institutions, to limit effective political participation and challenges to the state power. Suharto reordered power with him at the apex of the political hierarchy. Porter (2002) states that

The reordering of Islam's political, ideological and organisational existence involved a process that was at least two decades in the making... implementing exclusionary corporatism was part of Suharto's strategy to undermine the autonomy of Muslim parties and organisations and severely restrict and delineate their participation in the political system (p.49).

In the following paragraphs, I examine how Suharto's symbolic institutionalism underlies PPP's, MUI's, and ICMI's formation. Undeniably, many studies have examined Suharto's political motivations in forming PPP and ICMI (Azyumardi, 2004b, p.139-140; Hefner, 1993; Liddle, 1996; Porter, 2002; Ramage, 1995). Nevertheless, recapping these institutions' formation together with MUI's would generate better understanding of Suharto's co-optation motivations and techniques from the 1970s to 1990s.

PPP: Uniting Islamic Political Parties

One of the earliest manifestations of Suharto's co-option of potential threats to his rule occurred in 1973 when he merged all Islamic political parties into the PPP. The motivation underlying PPP's formation differed from MUI and ICMI. Suharto formed PPP to restructure the country's political party system, while MUI and ICMI was formed to mediate diverse Islamic interests in the country. Nevertheless, the strategic thinking underlying PPP's formation was similar to that of MUI's and ICMI's: to streamline Islamic-based parties to support Pancasila rather than Islam; and to weaken Islamic parties' support base. PPP was to become one of the three parties Suharto allowed to participate in the 1977 elections, the other two being PDI (Partai Demokrasi Indonesia or Indonesia Democratic Party), and Suharto's Golkar (Golongan Karyawan or The Party of Functional Groups). Between 1973 and 1984, PPP represented four Islamic based parties: NU, PSII (Parti Sarekat Islam Indonesia or Indonesian Sarekat Islam Party), PERTI (Pergerakan Tarbiyah Islamiyah or Islamic Tarbiyah Movement) and Parmusi (Partai Muslimin Indonesia or Indonesian Muslims Party).¹⁴¹ Even though PPP ran as an opposition party to Golkar, the state financed its operational costs (H. Crouch, 1978, p. 271).

In the 1971 elections, Islamic parties performed poorly, garnering only 27.2 per cent of the seats. These parties were not able to repeat their good performance in the 1955 elections in which they secured 43.5 per cent of the seats in the DPR (Hindley, 1972, p. 58). However, this declining support for Islamic parties did not erase Suharto's suspicion of their political comeback. Ali Moertopo,

¹⁴¹ NU withdrew from the PPP in 1984.

Suharto's advisor, warned that with the communist and nationalist parties destroyed, Islamic parties would revive (Hefner, 2000, p. 100).¹⁴² Revival of Islamic parties would run counter to Suharto's preference for Islamic expression centred on promoting personal piety rather political or social issues. Moreover, he remained suspicious towards former Masyumi leaders. Masyumi was the largest Islamic political party formed during the Japanese occupation which Sukarno banned in 1960. Suharto remained suspicious of Islamic parties because he saw Masyumi's ideology remained strong. Masyumi leaders wanted the Suharto government to return to principles of the 1945 Jakarta Charter that called for an Islamic state. Suharto saw Masyumi's goals as incongruent with his principle of building an Indonesian identity as a multi-religious society (Liddle, 1996, p. 621).

By merging all Islamic parties under PPP, Suharto hoped their influence would weaken, and one way of ensuring this was to undermine the party ideologically. He pressured PPP to change its ideology from Islam to Pancasila, but was unsuccessful in the 1970s because the party continued to stand for Islam. Only in 1984 that PPP finally relented and adopted Pancasila as its ideology. To weaken PPP further, Suharto passed two laws in the 1980s: limiting the use of Islamic symbols during elections (Law No 1/1985) and incorporating "*aliran kepercayaan*" (Belief) as one of the accepted "religions" to the existing five. This angered many party members in PPP and resulted in splits within the party. Some Muslims saw this move as a betrayal of Islamic interests (Sudirman, 1993, pp. 21-24). With PPP's adoption of Pancasila, Suharto's symbolic

¹⁴² His warning came true. PPP performance in the 1977 elections improved. Against all the restrictions imposed by the Suharto government, it secured 29 per cent of the 360 seats in the DPR.

institutionalism achieved its objective. PPP could no longer use Islamic symbols and ideology as political capital against Golkar.

Suharto formed PPP to weaken NU's support base and leadership. Through forcing its merger with the three other Islamic parties in PPP, Suharto hoped that NU would be constrained of its powers as the largest Islamic organisation in Indonesia. Of all the Islamic parties that participated in the 1971 elections, NU recorded an increase in the percentage of seats in the DPR. Compared to the 1955 elections, NU's share of Islamic party seats in 1971 increased from 45 per cent to 58 per cent (Hindley, 1972, p. 58). Within PPP, Suharto further devised ways to marginalise NU leaders. Although in 1973 NU chairman, Idham Chalid, was made PPP's president, and senior NU clerics KH Masykur and KH Bisri Syamsuri were appointed as the party's Central Legal Council and chair of the Advisory council respectively, other NU leaders were installed into less important positions of influence in the party (Bush, 2009, pp. 66-67). Even top positions in the party's Jakarta branch were accorded to members of Parmusi, which was a smaller party than NU (Bush, 2009, p. 104). This move surprised many especially when NU was the largest component party within PPP and the largest Islamic organisation in Indonesia. Also, there was another reason why Suharto tolerated Idham Chalid as PPP's president. Idham was generally uncritical of Suharto's leadership (H. Crouch, 1978, p. 271); and Suharto knew that he could control Idham.

Suharto's decision to sideline the traditionalists in politics was not only evident in PPP. In the 1971 General Elections, Suharto mobilised GUPPI (Gabungan Usaha Perbaikan Pendidikan Islam or Coalition for the improvement of Islamic

education) to shore up support for Golkar. Formed on 2 March 1950, GUPPI was a coalition of traditionalist ulema committed to reform religious education. GUPPI's mobilisation in 1971 generated competition between GUPPI and NU, whose constituents were traditionalist kiais and pesantren graduates (Heru, 1992). Moreover, since 1973, Suharto did not appoint any NU minister, especially for the Minister of Religion portfolio that the state normally allocated for NU members. The last NU minister in Suharto's cabinet was KH Moh Dahlan, who became the Minister of Religion. In 1973, Mukti Ali, a modernist, replaced Moh Dahlan, a traditionalist, as the Minister of Religion. Since then, modernists had held the post until the end of the New Order.

Abdurrahman Wahid and his supporters were alarmed at the regime's manipulation of NU due to its perceived opposition role. In 1984, Abdurrahman then NU's General Chairman, famously withdrew the organisation from PPP in 1984. NU's formal withdrawal from politics took place after NU's 27th Congress in Sitobundo, East Java. The move, famously depicted as the Return to the *Khittah* 1926 or *Kembali ke Khittah* (Fealy, 2007), was to re-orientate NU back to its original objectives since its founding in 1926.

MUI: Uniting Indonesian Ulema

From the outset, Suharto's justification to form MUI was to unite the Indonesian ulema and to create a national body to issue fatwas (Mohammad Atho, 1993, p. 46). This ulema body would represent the Muslims in an inter-religious body that he intended to create later. During the inauguration of the MUI on 27 July 1975, The Minister of Religious Affairs, Mukti Ali, echoed Suharto's views and remarked that

Today is the day of the establishment of the Council of Indonesian Ulema; today in this place we have buried for ever the cleavage among Muslims; and today, in this very spot, we have also buried for ever the mutual distrust and suspicions between the ulema and the government (Mohammad Atho, 1993, p. 53).

However, I argue that Suharto's motivations and techniques of co-optation underlying MUI was similar to that of his decision to contain Islamic political parties under PPP. Suharto sought to direct the religious opinion in MUI towards Pancasila and contain NU's political challenge, as well as to increase Islamic legitimacy for the New Order regime.

There was also another plausible reason why Suharto formed MUI. He wanted to win over the Muslim electorate, many of whom were disappointed that Suharto had refused Masyumi's participation in the 1971 elections. Banned in 1960 by Sukarno, Suharto forced Masyumi members to regroup under Parmusi, but they were made of junior members of the party. A section of the Muslim community was also disappointed with Suharto's decision to streamline all Islamic political parties in PPP. Thus, Suharto decided to form MUI as a demonstration that he was not sidelining Islamic interests. He was also keen to win over the Muslims support who had rejected Golkar during the 1971 elections (Mohammad Atho, 1993, pp. 50-51). Nevertheless, Suharto was consistent in not allowing MUI to engage in politics, but to support state's policies and programs.

Suharto first mooted the idea of the creation of MUI in 1970. He invited ulema from NU, Muhammadiyah, and other ormas to join MUI. These ulema were initially suspicious about Suharto's intentions and they took almost five years before joining MUI (Mohammad Atho, 1993, p. 53). Hamka, who later became

MUI's first chairman, was initially reluctant to accept the position because he feared that he could not exercise independent judgement, and was hesitant to work with non-ulema Suharto invited to join MUI (Nadirsyah, 2004, p. 149).¹⁴³ Hamka later accepted the position after being persuaded by Mukti Ali, a Muhammadiyah member who became the minister of Religions Affairs in 1973. Several other ulema then agreed to follow Hamka's footsteps in joining MUI, even though they realised they would not be able to exercise independent judgement. There were several reasons for this. First, the poor performance of Islamic parties in the 1971 elections, and the formation of PPP in 1973, led to the ulema fearing that Islamic parties could no longer represent Muslims in the DPR (Dewan Perwakilan Rakyat or Indonesian Legislative Assembly). Second, Suharto was repressive that there were no alternative channels to voice disagreements to state's policies apart from those determined by the state. In 1973, the government submitted a bill on marriage to the DPR. The law would permit the marriage of Muslims and the People of the Book (*ahli Kitab*). Since public opposition towards the marriage bill was not voiced in the DPR, the ulema felt that pressuring the state through MUI would be the best option (Mohammad Atho, 1993, p. 53).

During the New Order period, only candidates approved by Suharto could be chairman of the institution. In 1975, Hamka was clearly Suharto's candidate for MUI's chairmanship. He was highly respectable ulema, anti-communist and modernist. However, in 1981, Hamka's initial fears that MUI members could not exercise independent judgement were realised. He stepped down as MUI

¹⁴³ When Hamka was appointed as the first Chairman of MUI, his close friends criticised him. As narrated by Irfan (2013, p. 254), a cleric once said, "Hamka is no longer owned by the people. He has sold himself for 1 million rupiahs [A\$100] to accept the appointment [as MUI chairman]. He now belongs to the palace."

chairman after disagreements with the state. He was replaced by Syukri Ghozali, an NU ulema. Although Syukri came from a traditionalist background, he was closely aligned to the state and was a bureaucrat in the Department of Religious Affairs (now Kemenag) from 1955 to 1971 (Mohammad Atho, 1993, p. 56). His former appointments included being the Dean of the Jakarta State Institute for Islamic Studies (IAIN). Syukri was a low-profile scholar and not deemed as a "trouble-maker" by Suharto and the religious officials in Kemenag (Mohammad Atho, 1993, p. 57). Syukri was only MUI's chairman for three years until he passed away in 1984. Hassan Basri, a Muhammadiyah and modernist oriented ulema, replaced him. He then became MUI chairman for the following 14 years. Although Hassan was a member of Masyumi, he had to convince Suharto that he no longer upheld Islamist ideals before being appointed as MUI chairman. It turned out that he had good relations with Suharto,¹⁴⁴ stayed on as chairman to the end of the New Order period, and was only replaced in 1998 by Ali Yafie, former Rois Syuriah of NU (Feener, 2007, p. 159). Although the chairmanship of MUI seemed to rotate between NU and Muhammadiyah (Nadirsyah, 2004), the modernists were in control of the organisation for most of the time during the New Order.¹⁴⁵ Throughout MUI's 23 years of existence under the New Order, it was only under an NU chairman for three years.

Almost all of MUI's fatwas issued during the New Order were either neutral or supported the state's policies. Two examples of MUI's fatwas that supported the government's position were on oral divorce rules (husband's utterance of *talaq*);

¹⁴⁴ Interview with Nadratuzzaman Hosen, Secretary Fatwa Commission, Majelis Ulama Indonesia (MUI), 12 August 2014.

¹⁴⁵ Amirsyah, a vice-secretary from MUI, disputed this so called leadership rotation and claimed it is purely coincidental that the chairmanship was rotated between NU and Muhammadiyah. Interview with Amirsyah, 8 January 2013

and the permissibility of the state lottery scheme SDSB (Sumbangan Olah Raga Berhadiah or Sports Contribution with Prizes) or *Porkas*. According to the Shafie School of jurisprudence, to which Indonesian Muslims generally adhere, if a husband uttered three talaqs to divorce his wife, the couple could not remarry until the wife married another man and divorced again. However, MUI issued a fatwa that considered the utterance of three talaqs by the husband as one. The reason why MUI Fatwa Commission issued this fatwa was that in 1974, the DPR passed the Marriage Law that considered the question of three talaqs as one was a "non-issue." Thus, MUI synchronised its fatwa with the state's position. In another example, MUI declared that the *Porkas* scheme did not constitute gambling (gambling is forbidden in Islam). In December 1985, the government introduced *Porkas* which was a football-gambling scheme. The general Muslims criticised the government; they felt that it was promoting un-Islamic values. MUI did not consider the scheme as a form of gambling because the persons who engaged in it did not meet face to face. Later, MUI's Fatwa Commission chairman, Ibrahim Hosen, ordered MUI branches not to issue any fatwa concerning the scheme (Darul et al., 1995, p. 197). Many Indonesian Muslims felt the fatwa only confirmed that the institution was a state lackey.

Most important, MUI was obliged to uphold Pancasila as its ideology. On the 21 July 1975, during MUI's opening event, President Suharto reminded the attendees about the importance of Pancasila (Departemen Penerangan R.I, 1975, p. 11).¹⁴⁶ He also reminded them that MUI must not engage in politics and must support Golkar. Suharto remarked "MUI does not need to organise itself

¹⁴⁶ Speakers during this opening of MUI include Suharto (President), M Panggabean (Defence Minister), Amirmachmud (Home Affairs Minister), Mashuri (Information Minister), and Mukti Ali (Religious Minister). Most of the speakers emphasise the non-political nature of MUI, its role as translator of government policies, and the adoption of Pancasila. See (Departemen Penerangan R.I, 1975). See also Majelis Ulama Indonesia, 1979.

as a political organisation, because the political platform has already been filled by two political parties [PPP and PDI], plus one Golkar that we all belong to" (Departemen Penerangan R.I, 1975, p. 12).

However, the MUI Fatwa Commission did not agree with the New Order government all the time. There were instances in which MUI rejected the demands of state officials and Kemenag. For example, in 1983 MUI issued a fatwa on the non-permissibility of tubectomy and abortion, which ran counter to the government's attitude of allowing those practices in order to encourage family planning (Kaptein, 2004, p. 121). The other well known example was when Hamka issued a fatwa that Muslims could neither extend Christmas greetings to Christians nor attend Christmas celebrations. This fatwa clashed with the state's position. On 2 September 1981, Kemenag issued circular allowing government officials to attend any celebrations organised by people of other faiths. However, disagreeing with the state invited serious consequences. For insisting not to alter his fatwa, Hamka had to resign as MUI's chairman.

Overall, the state's strength was so overwhelming that ormas and civil society groups conceded to its demands. By 1984, NU, Muhammadiyah, MUI, and PPP had all accepted Pancasila as their ideology. Yet, another of Suharto's wishes came to fruition at around the same time. As mentioned, Suharto was keen to keep progressive Islamic discourses alive. By the mid-1980s, Indonesia's neo-modernist Muslim intellectuals garner more influence and mass following. These intellectuals promoted ideas that contain elements of progressivism, traditionalism and modernism (Barton, 1995). They were inspired by Fazlur Rahman's writings. Fazlur was then a professor at the University of Chicago,

and his writings called for a contextual reading of religious traditions, rather than their literal meanings. Nurcholis Madjid's famous quote "Yes to Islam, but No to Islamic parties," reflected this neo-modernist thinking. Nurcholis was a former Fazlur student.

Despite having met his co-optation objectives by the mid-1980s, Suharto continued to rely on the use of military force on Islamic groups that challenged Pancasila. According to Aspinall,

One key to the New Order's longevity and success was the way it combined violence (and the threat of violence) with co-optation and toleration. The regime did not merely prohibit threatening forms of political action and ideology, it also allowed a relatively wide variety of organisation and representation of societal interests-political parties, the societal organisations or Ormas, NGOs and the like- so long as they did not fundamentally challenge the regime and adapted to its rules (Aspinall, 2010, p. 121).

In September 1984, the military opened fire on a group of Muslim protesters in the Tanjung Priok massacre. These protesters disagreed with the Suharto's move to force all organisations to adopt Pancasila. The riot was also triggered by the behaviour of some military guards who refused to remove their shoes upon entering a mosque compound in the area. The guards entered the mosque to remove an anti-government poster (Feillard & Madinier, 2011, p. 42). The massacre saw 24 protesters killed. In another incident, the army also swiftly responded when a small group of Muslim Islamists murdered a young infantry captain in the Sumatran province of Lampung in March 1989 (Schwarz, 1999, p. 173).

However, by the late 1980s, Suharto shifted tactics and began to "embrace" Islam. Suharto not only developed a new personal interest in Islam, but he also invested vast sums of money and resources to develop Islamic education. In

1990, Suharto performed the Haj ritual. Although the public attention given to Suharto's performance of the Haj has been interpreted as political gimmick, Ramage (1995, p. 63) observed that Suharto began to eschew Javanese mysticism and became more interested in learning about Islam. Suharto invited many religious teachers to the palace to learn more about Islam.¹⁴⁷ Significant changes also happened in the realm of law. In 1989, the state enhanced the Religious Judicature Act, which expanded the authority of the Islamic courts' jurisdiction to include inheritance. With the passing of this law, decisions by the Islamic courts can be enforced by the police without being ratified by civil courts (Cammack, 1997, p. 143). Nevertheless, despite Suharto's concessions to uplift the profile of Islamic institutions in the public sphere, Cammack (1997, p. 144) cautions against thinking that Suharto had abandoned its historic policy of controlling Islamic laws and politics. Still, I would argue that by the 1990s, Suharto was shifting from the use of repressive to a full reliance on symbolic institutionalism. This shift coloured the relationship with the Muslims, which in 1990, led to the formation of ICMI.

ICMI: Uniting Indonesian intellectuals

In 1990, Suharto formed ICMI to generate progressive intellectual discourse in Indonesian society. Its purpose was to prepare Indonesians for challenges in the 21st century. ICMI draws its history from student activism that intensified in the 1980s. The students were eager to create an organisation at the national level. They had close contacts with prominent Muslim intellectuals and activists

¹⁴⁷ Suharto's move towards greater Islam affected the domestic fronts more than the international arena. Despite being the world's largest Islamic country, Indonesia under Suharto played down the religious factor in its foreign policy. This can be seen through Indonesia's participation in the Organisation of Islamic Conference (OIC), its response towards complex issues such as the state of Palestine and the first Gulf War, the Moro problem in the Philippines, and the Bosnia-Herzegovina conflict in the 1990s. See Perwita, 2007.

who included Dr Imadudin Abdulrahim and Dr Dawam Raharjo. The students felt that such organisations would not be effective without state's sponsorship. Therefore, they went further to invite several ministers, including the rising star within the Suharto cabinet, Dr BJ Habibie, to provide leadership to oversee the organisation (Hefner, 1993, pp. 17-18).

Nevertheless, I argue that Suharto's underlying motivation to form ICMI was similar to that of MUI and PPP, which was to neutralise challenges to the state's ideology. Liddle (1996) states that ICMI did not have a specific Islamic policy or legislated agenda that can be implemented (p. 615). Hefner (2000) describes ICMI as part of "regimist" Islam (pp. 151-152), which he defines as Muslim groups who are "untroubled by Suharto's authoritarian ways" (p. 19). Although cabinet members also participated in the institution, ICMI did not have any direct influence on government policies and directives.

ICMI was however different from MUI and PPP in at least two aspects. First, ICMI did not serve as Suharto's vehicle in pitting the traditionalists and modernists against one another. Since the mid-1980s, the two cleavages have blurred. In fact, Suharto realised that the possibility of the two camps allying with one another is real, and that could potentially undermine his rule. Thus, ICMI served as his instrument to contain such possibility, ensuring Islamic discourse was in-sync with Pancasila and the state's other goals. The second difference was that ICMI was formed during a period when Suharto encouraged Islam to have a public role. Previously, Suharto preferred Islam to remain in the private sphere. This significant change in Suharto's attitude towards Islam

resulted from the pressures from the growing Muslim middle class, who wanted to play an active role in the New Order regime's policy development (Liddle, 1995, p.618).

In essence, Suharto formed ICMI to prevent intellectuals and independent religious elite from forming alternative channels that challenged his rule (Hefner, 2000, p. 142). By the 1980s, there was also the rise of Islamic intellectualism promoted by personalities such as Nurcholis Majid, Abdurrahman Wahid, M Dawam Raharjo, Djohan Effendy, Adi Sasono, Ahmad Syafii Maarif, Ahmad Wahib and Amien Rais (Bahtiar, 1998, pp. 212-213; Barton, 1995, p. 5). Realising their influence in society, Suharto invited these intellectuals into ICMI, to control them, not so much to promote Islamic intellectualism. ICMI housed personalities with diverse backgrounds, mirroring his co-optation technique found in PPP and MUI. They include Muslim resurgents Imadudin Abdulrahim and Anwar Haryono (DDII leader), liberals Nurcholis Madjid and Dawam Raharjo, traditionalists Yusuf Hasyim and Ali Yafie, and modernists Amien Rais, Din Syamsuddin and M Amin Aziz. Nasir Tamara, a politician and activist who was ICMI member, said that the institution was created to prevent Abdurrahman Wahid, Muhammadiyah members, and NU members from dominating the discourse about Islam (Ramage, 1995, pp. 77-78). While several NU members participate in ICMI, Abdurrahman Wahid refused to join.¹⁴⁸ Abdurrahman joined another Muslim intellectual, Djohan Effendy, formed the Forum Demokrasi instead.

¹⁴⁸ Interview with Rumadi, 3 December 2012.

There were two other political considerations underlying Suharto's formation of ICMI. First, ICMI was intended to serve as Golkar's vehicle to shore up Muslims' support for the 1997 parliamentary elections; and the 1998 MPR (Majelis Permusyawaratan Rakyat or People's Consultative Assembly) session, which was responsible for electing the country's president and vice-president (Liddle, 1995, p.625). ICMI also provided Suharto with new recruits for the party that was outside of the armed forces and the military. Suharto had to rely on the support of Muslim groups, including ICMI leaders, for the 1997 elections (Liddle, 1996, p. 626).

Second, and more importantly, Suharto was no longer receiving the full support of the military in order to retain power. The biggest threat from the military came from the defection of his strongest and most trusted ally, Benny Moedani, the former military chief. Benny, a Catholic, was responsible for not promoting Muslims into the higher ranks of the military. However, the main turning point that soured the relationship between Suharto and Benny was when Benny advised Suharto to name a successor in 1988. Benny later criticised Suharto as corrupt. In addition, Benny developed a bad relationship with General Prabowo Subianto, Suharto's son in law. Consequently, Suharto relegated Benny to a much less influential role in his Cabinet, as Minister of Defence. During the 1988 elections, Suharto chose Sudharmono as vice-president instead of Benny, although the latter was the favourite based on seniority in the New Order regime. This move served as a turning point for Suharto-military relations that led him to court Islamic resurgence leaders.

In sum, Suharto was keen to neutralise the demands of the Muslim resurgence leaders by grouping them into institutions headed by modernists. As a move to quell challenges to his presidency, Suharto sowed divisions and fragmented group interests by exploiting internal organisational rifts within NU and PPP, and between NU and Muhammadiyah. MUI was created as an alternative forum to weaken the power bases of NU and Muhammadiyah. At the same time, Suharto did not give MUI enough powers to manage Islam or replace the Kemenag in affairs such as managing tithe, endowments, religious education, and Haj. The function of MUI was to advise the government on Islamic matters.¹⁴⁹ Suharto's Islamic policies attempted to weaken the organisational bases of independent groups or politically demobilise, fragment and neutralize them with new, state controlled structures.

Mahathir's substantive institutionalism: Centralisation of Islam

Since the prime ministerships of Abdul Razak Hussein (1971-1976) and Hussein Onn (1976-1981), the Malaysian Islamic resurgence movement have questioned UMNO's commitment towards the betterment of Islam. From the 1980s onwards, the movement became better organised, and continued to challenge the Mahathir government's Islamic legitimacy. There was significant pressure from dakwah groups to create a new Islamic order in Malaysia, whose slogan was "Islam is not capitalism, socialism, democracy, humanism or for that matter any other *isms*, Islam is Islam and Ad-Deen" (Shaharuddin, 2005, p. 318). During this period, Mahathir also had to tackle several outstanding issues

¹⁴⁹ Interview with Professor Nasaruddin Umar, Vice-Minister of Religion, 7 December 2012

related to the economy and ethnic unrest. Yet, one of the biggest challenge to Mahathir's government—besides internal divisions within UMNO in the 1980s—was the rise of Islamist ideas in society. Mahathir also never favoured the ulema to be involved in political parties, but the opposition party PAS demonstrated how ulema can shape the political scene in Malaysia.

This section highlights Mahathir's co-optation strategy in dealing with the Islamic resurgence movement, particularly his methods for dealing with rising Islamist ideas. Since some of the issues discussed here—such as JAKIM's and IKIM's formation and the rise of Islamism in PAS in the 1980s—have been examined in Chapters Three and Four, I shall not repeat them here except to stress some key points. The section first provides an overview of Mahathir's Islamisation policies. This is to highlight the platforms he created to attract ulema to join the government. This will be followed by a discussion of Mahathir's motivations of co-optation, which were to build a progressive Islam community and to out-flank PAS Islamically. I will give more focus on the former rather than the latter because PAS internal politics had already been discussed in Chapter Four. The section concludes with a discussion of Mahathir's co-optation technique. He invited "impactful" personalities to join UMNO or the religious bureaucracy in order to realise his objectives.

While the section focuses on Mahathir's co-optation strategy, I acknowledge he also used coercive tactics to weaken his political rivals. Mahathir was not hesitant in using the ISA (Internal Security Act) against his political opponents. Milne and Mauzy (1999, p. 85) point out that Mahathir's policies contained a combination of co-optation, institution-building, and coercion. While the same

could also be said about Suharto, Mahathir was less coercive than Suharto. Mahathir did not mobilise the military to curtail resistance to his government.

Mahathir's Islamisation policies: Creating platforms for co-optation

As soon as assuming power in 1981, Mahathir expanded the role of Islam in the public sphere. He incorporated and appropriated Islam into the state's national vision, and making it his administration's philosophy (Hamayotsu, 2002). He did this in order to appease the Islamic resurgence movement which was at its peak in the 1980s. He built on traditional structures and institutions to co-opt the ulema into them. Mahathir invited both critics and sympathisers to UMNO's cause to join these institutions, encouraging them to reform the state "from within." As will be discussed shortly, these institutions were upgraded and granted more powers and responsibilities compared to those during the time of his predecessors. The Mahathir government delegated executive power on religious matters to the official ulema, in exchange for their loyalty and support for the state's ideology. Because of these reasons, I refer Mahathir's strategy as substantive institutionalism. The study's reference to the term substantive institutionalism is similar to Hamayotsu's (2005, p. 51) "state co-optation" and "state-institutionalisation."

As soon as he assumed power in 1981, he introduced several key policies to reflect his commitment to Islamisation. Mahathir set up the Islamic Bank and upgraded the Islamic Centre or Pusat Islam. He then undertook several policies to demonstrate the government's commitment to Islamic morality and piety. The government, for example, forbade the importation of non-halal meat and Muslims entering the Genting Highlands Casino (H. Crouch, 1996, p. 170). The

national television also aired the five daily prayer calls, which has been a practise common to many Middle Eastern countries. The Mahathir government also built massive mosques even when Malaysia already had the National Mosque. For example, in 1988, the state built the Masjid Sultan Salahuddin Abdul Aziz Shah (also known as Shah Alam Mosque). It was then the second largest mosque in Southeast Asia after Indonesia's Istiqlal Mosque.

The government undertook several policies that strengthened the official ulema's legal powers (Hussin, 1990; Kamarulnizam, 2002; Milne & Mauzy, 1999). In 1984, the Mahathir government passed the Federal Territory Administration of Islamic Laws Enactment that created greater uniformity in the administration of Muslims laws. Previously, shariah laws were administered under separate legislatures in each *negeri*. This enactment also enlarged the functions of the shariah court. With the amendment, the Federal Territory then had three levels of shariah courts: Shariah Lower Court, Shariah High Court, and Shariah Appeal Court. By 1991, all the 13 *negeri* followed the Federal Territory by having three levels of court (Maznah et al., 2009, pp. 66-67). In 1988, the state amended Article 121 (1A) of the Federal constitution to allow for an expansion and systemization of the Islamic judicial and legal systems. The state gave the shariah courts the authority to give separate jurisdiction over wide-ranging matters concerning Islam which civil courts could not challenge. The law also stated that it was compulsory for Malays and Muslims to notify the authorities that they were professing Islam (Maznah et al., 2009, p. 67).

Furthermore, Mahathir centralised Islam by raising the status of the federal level Islamic bureaucracy, even though Islam is constitutionally a *negeri* matter.¹⁵⁰ Undeniably, centralisation of the Malaysian religious bureaucracy had its roots a decade before Mahathir's rule. During Tunku Abdul Rahman's reign (1957-1970), major Islamic centralisation projects include the formation of the Tabung Haji (Haj Fund) in 1962 that acted as fund managers for Haj pilgrims. During Abdul Razak's government (1970-1976), Department of Education created a religious division within it, a move that contradicted the state's commitment that Islam is a matter for the *negeri* (Roff, 1998, pp. 220-221). Mahathir, however, pushed this centralisation agenda further, and at a larger scale. Without repeating what has been discussed in Chapter Three, except to reiterate some key points, Mahathir upgraded federal Islamic institutions JAKIM, IKIM and the JKF-MKI. JAKIM acted as the secretariat from JKF-MKI and helped the fatwa committee to socialise its fatwas to the masses. According to Liow (2009), "JAKIM has also been relied upon to enact and standardise laws and procedures and to coordinate their implementation with their respective state [*negeri*] religious authorities in all states across Malaysia" (p.49). JAKIM, and IKIM, also undertook fatwa research for the JKF-MKI. These institutions also organised many discussion forums for members of federal religious institutions and the *negeri* councils, particularly between members of their respective fatwa committees.

The preceding paragraphs show the institutions Mahathir upgraded and formed as part of his Islamisation policies. He undertook these policies mainly in

¹⁵⁰ See Appendix 5# for the role of Islam in the constitution.

response to the Islamic resurgence movement. However, these policies serve two other related purposes. He wanted to ensure progressive Islamic discourse remained dominant in the country, and he sought to curb the rise of Islamist PAS.

Building a progressive Islam and out-Islamising PAS

Mahathir showed great interest in Islam very early in his political career. Mauzy and Milne (1983) posit that Mahathir saw Islam as providing the necessary moral values that respect discipline and work ethics which are essential for the community's progress (p. 618). His earlier writings, including his 1970 classic *The Malay Dilemma*, suggested that he desired the creation of strong capitalist class through strong state patronage (Shaharuddin, 1988, pp.141-148). By the time he became prime minister, Mahathir was explicit in pointing out the Muslims' need to create wealth. In 1986, he published *The Challenge* critical of Malay religious life which tends to focus too much "on acquiring merits in the hereafter" (Mahathir, 1986, p.76). He considered worldly progress as part of Islamic values. In *The Challenge*, Mahathir said, "In Islam there are no hermits and no religious order which reject the world. For the rejection of the world and its wealth does not necessarily effect or enhance adherence to spiritual values" (p.109). For Mahathir, Muslims can achieve progress by calibrating the correct balance between the world and the hereafter.

Thus, I argue that Mahathir formed JAKIM and other federal Islamic institutions not only to contain the Islamic resurgence movement. He wanted to make Islam suit his progressive Islam ideas. Mahathir envisioned Malaysia as reaching the

status of a developed country by 2020, and felt progressive Islamic values could contribute to realising this vision. Mahathir also considered the ways Islam could facilitate his industrialisation and developmental agenda, and this could be achieved by improving the religious education infrastructure.

Early on during his leadership, Mahathir sought to improve the ulema's religious training. He wanted Malaysia to produce excellent Islamic scholars and intellectuals. In 1983, Mahathir set up the IIUM and ISTAC (International Institute of Islamic Thought and Civilisation). The former served as a full-fledged university while the latter was a research institute that also issued post-graduate degrees. The Prime Minister's Office directly funded these institutions and determined the key appointments in them. IIUM and ISTAC produced many religious elites and ulema who later occupied the religious bureaucracy such as JAKIM, IKIM and the religious bureaucracy at the *negeri* level. The state formed these institutes of higher learning to rival Al-Azhar University in Egypt. The IIUM is also co-funded by the OIC (Organisation of Islamic Conference) (Liow, 2009, p. 54).

Nevertheless, the rise of Islamist PAS in the 1980s caused Mahathir to redirect his attention away from developing a progressive and capitalistic Islamic society. In the previous chapter, I discussed the changes that happened within the PAS leadership which accentuated the ethno-nationalist-Islamist cleavage. In the following paragraphs, I highlight the reasons why Mahathir and UMNO felt threatened by these developments within PAS, and why he decided to co-

opt ulema, Islamic intellectuals, and "impactful" personalities into the religious bureaucracy and UMNO.

First, PAS posed a direct ideological challenge to UMNO. Since the 1980s, the party have been championing for an Islamic state and shariah laws. PAS leaders began to openly attack UMNO's ethno-nationalist ideology *ketuanan Melayu* (Hussin, 1990, p.118), even though they were once its supporters. They equated UMNO's ideology as communal and *asabiyah* (an Arab culture that prioritises one's own clan) and hence un-Islamic. Given these developments, UMNO stepped up its campaign to recruit ulema sympathetic to its ideology. This was indeed an arduous task for UMNO, given that during that period, many ulema were influenced by the dakwah movement, and attracted to Muslim Brotherhood-like ideas and Islamist discourse. UMNO did manage to recruit ulema, such as Mohd Yusof Nor and Abdul Hamid Othman, but they were the ones who joined the party out of pragmatic reasons and did not shed their Islamist orientation. Evidently, in July 1999, Mohd Yusof declared that hudud laws cannot be implemented because Malaysia is a multi-racial society. He, however, did not question the suitability of the law in the modern context (Saeed & Saeed, 2004, p. 137). Similarly, Abdul Hamid, a former cabinet minister, said that shariah laws can be implemented in Malaysia when the time is right (Saeed & Saeed, 2004, p. 137). What he meant was that it is possible that shariah laws will be implemented if there comes a day when Malaysia's population is dominantly Muslim.¹⁵¹

¹⁵¹ Abdul Hamid's views differed from those of progressive Islamic scholars, who have argued that the secular state is in line with Islamic values that represents the ideal form of governance for the modern world (An-Naim, 2008).

Second, PAS had come to emblemise an Islamic party, in contrast to UMNO as a secular party. This dichotomy happened after charismatic ulema, who had mass following, took control of the PAS's leadership in the late 1970s. They include Nik Aziz, Abdul Hadi Awang, Nakha'ie Ahmad, and Fadhil Noor. These ulema shunned UMNO because they felt party had relegated Islam to the periphery of society (Farish, 2004, p. 349). PAS continued recruiting charismatic ulema including those who had previously appeared on mainstream media. By the 1990s, charismatic ulema such as Haron Din and Ismail Kamus also joined PAS, leaving UMNO with the less popular ulema to align with. This was the reason why Mahathir had to empower religious institutions, as a form of enticement to attract ulema into UMNO's fold. In Chapter Three, I have discussed Mahathir's policies of empowering and expanding of the official ulema institutions JKF-MKI, JAKIM and IKIM. Mahathir had to make many concessions in order to gain their support and to cajole them that they could Islamise the state from "within" through these institutions.

Third, there was a lack of trust between PAS and UMNO leaders. While it is natural for parties to disagree on policies and ideology, the relationship between PAS and UMNO was filled with intense dislike. There were constant personal attacks on one another's leaders, including the serious act of *kafir-mengkafir* (calling each other apostates). PAS felt betrayed by UMNO when between 1974 to 1978, PAS was made a junior member within the BN coalition from. Some PAS leaders went to the extreme of calling their struggle against UMNO a *jihad*

(holy war). This was evident during the 1986 Memali incident, which left fourteen people and four policemen dead. The incident began with a protest led by PAS ulema, Ustaz Ibrahim Mahmood (widely known as Ibrahim Libya), who resisted police attempts to arrest him under the ISA and close down his religious schools. The government considered Ibrahim as preaching radical ideas in Kedah, Penang, and Perak (Liow, 2009, p. 152). PAS later controversially declared the protesters killed as *shahid* (death from holy war that is guaranteed paradise). The kafir-mengkafir became uncontrolled to the extent that PAS leaders refused to pray behind an UMNO imam, conduct rituals with UMNO's supporters, and join their communal feasts. There was also talk by PAS and UMNO leaders that their supporters be buried in separate cemeteries (Hussin, 1990, p.123).

These institutions came to UMNO's defence from the PAS onslaught. Competition between official ulema and PAS did not stop in the 1980s, but continued to the 1990s and 2000s. The two camps disagreed about the concept of Islamic state. In 2001, Mahathir declared that Malaysia was an Islamic state. This controversial call was followed up in 2002, when JAKIM reiterated that Malaysia is an Islamic state because of the following reasons (JAKIM, 2008, pp. 120-123).¹⁵² Islam is the official religion of the state; Malaysia is headed by a Muslim, the Yang-Dipertuan Agong (King); the administration of Islam is under the state's jurisdiction; Malaysia is acknowledged internationally as an Islamic state by the Organization of Islamic Conference (OIC); there are established

¹⁵² This is based on my summary that I have written elsewhere. See Norshahril, 2010a, p. 75-76.

Islamic institutions that oversee the administration of Islam and shariah laws; there are key Islamic institutions such as Islamic banking.

Rejecting Mahathir's and JAKIM's claim, PAS responded by tabling its very own *Islamic State Document* in 2003. This document differed significantly from the memorandum the party issued earlier entitled *PAS memorandum to the Malaysian People: The Understanding of Islamic State in the context of 15th Hijrah/21st Century Democracy*. The 2003 document stated the party's desire to implement hudud laws when it got to power.

On the flipside, Mahathir's decision to empower official ulema institutions later served as a double-edge sword for his successors. Co-optation of ulema into state-sponsored institutions developed Islamism from within the state. Liow (2004, pp. 190-199) observes that *negeri* governments under UMNO oversaw an Islamic administration promoting orthodoxy. In 2002, four UMNO lawmakers in PAS-governed Terengganu chose to abstain PAS's proposal for the Terengganu Syariah Offences Bill, instead of voting against the bill (Liow, 2004, p. 196). After the 2013 general elections, some UMNO ulema had spoken about the possibility of implementing hudud in Malaysia, and were willing to co-operate with PAS to realise this objective. In 2014, a section of UMNO was neutral about PAS's proposal to table a private members' bill in parliament for the implementation of hudud in Kelantan.

I now turn to Mahathir's co-optation technique. If Suharto used co-optation institutions to group traditionalists and modernists, Mahathir relied on "impactful" Islamic personalities to legitimise the Islamic institutions. Interestingly, Syed Naquib Al-Attas, whom I earlier referred to as Malaysia's ideologue for the Islamic resurgence movement, was made ISTAC's founding director. Having Al-Attas as the founding head of ISTAC reflected Mahathir's success in co-opting important religious scholars into the government. Al-Attas was involved in all aspects of the founding of ISTAC, including designing the campus and writing up the curriculum. More importantly, Al-Attas's co-optation neutralised ABIM's challenge towards the state. The dakwah movement was also convinced of Mahathir's commitment to Islamise the state by inviting its leaders to participate in its institutions.

The man who might have persuaded Al-Attas to be involved in developing ISTAC was his own protégé, Anwar Ibrahim. Anwar himself was Mahathir's biggest co-optation "catch." The influential and charismatic ABIM leader could potentially have followed other ABIM leaders in joining PAS, although Mahathir's memoirs claim that Anwar had voluntarily joined UMNO (Mahathir, 2012, p. 404). On 29 March 1982, Anwar joined UMNO and ran as a candidate in the elections the same year. His first appointment into government came immediately after winning a seat in the elections and the position he was first appointed to was expected: the Deputy Minister in-charge of Islamic Religious Affairs, which was under the Prime Minister's Office (Mauzy & Milne, 1983, p.

636). With Anwar's co-optation, ABIM seemingly lost its direction and became pro-Mahathir (Ahmad Fauzi, 2008).¹⁵³

Mahathir hoped that by co-opting Anwar Ibrahim, ABIM members, and ulema into UMNO and the religious bureaucracies, he could avert political challenges from within his own party, and contained the threats from the dakwah groups such as the Darul Arqam movement. In the 1980s, Mahathir was looking for political alliances to help ensure his political survival. In 1987, Tengku Razaleigh Hamzah, a Prince from Kelantan, who allied with Mahathir's former deputy Musa Hitam, challenged Mahathir's leadership of UMNO. The party split into two teams: Team A and Team B. During the party elections, Team A which was led by Mahathir and Ghafar Baba only won by a meagre 43 votes. Anwar Ibrahim was part of Mahathir's faction. Anwar's consolidation of power in UMNO boosted the party's Islamic image. At the same time, Anwar Ibrahim's entry into UMNO helped the party to contain the influence of the Darul Arqam. ABIM and Darul Arqam did not agree on many issues, especially on the religious front. ABIM was closer to a Islamist brand of Islam while Darul Arqam was more Sufi-mystical in its orientation.¹⁵⁴

¹⁵³ When Anwar was sacked from the government in 1998, the organisation became anti-government and to build the reform of the movement that challenged the authority of the party. This shows that Anwar Ibrahim's influence on the organisation remain very strong (Ahmad Fauzi, 2008).

¹⁵⁴ In the 1980s, Mahathir's relations with the Malay rulers also deteriorated. Malaysia faced two constitutional crises of 1983 and 1987. Mahathir wanted to weaken the role of the monarchy by pushing for an amendment in the constitution. Constitution Amendment Act 1983 mainly stated that if the King did not give his assent to bills within 15 days, which was a requirement in the constitution previously, the bills would be assumed to have been passed. The other significant change concerned the right to declare a state of emergency. Previously, the King had the sole authority to do so, but with the amendment, he could only make the declaration after consulting the Cabinet.

Nevertheless, Mahathir was not as successful in recruiting "impactful" ulema because most went to PAS. Thus, Mahathir resorted to groom official ulema to support the state's ethno-nationalist ideology. The prominent ulema and Islamic intellectuals co-opted into UMNO included Yusuf Noor, the Dean of Faculty of Islamic Studies from the National University of Malaysia (UKM), and Zainal Abidin Kadir, the Director of Pusat Islam (Islamic Centre). As will be discussed in Chapter Seven, UMNO tried to recruit muftis and National Mosque imams to run as UMNO candidates during elections. Mahathir, nonetheless, focussed on expanding the ulema's role in the bureaucracy. By 1982, about 100 ulema were employed in the Department for Islamic Development in the Prime Minister's Office, while another 715 ulema were designated to the Ministry of Education (Norani, Zainah, & Zaitun, 2005, p. 90). The numbers are likely to be higher today. Mahathir's co-optation of ulema allowed them to be directly involved in the formulation of "Islamic" policies (Norshahril, 2014, p. 362).

Conclusion

I categorised Suharto's co-optation strategy as symbolic institutionalism while Mahathir's as substantive institutionalism to differentiate the extent the two leaders empower ulema institutions, their motivations for co-opting ulema and other influential Islamic personalities, and the techniques they applied to weaken challengers. Briefly, Suharto was less interested to empower ulema compared to Mahathir. Mahathir accorded ulema institutions with legal and enforcement powers which Suharto did not. Also, Suharto and Mahathir had different motivations for co-optation because they were responding to different

kinds of religious cleavages. In Indonesia, the main cleavage was between the traditionalists and modernists; while in Malaysia, between the ethno-nationalist and Islamists. In addition, Suharto's co-optation was contrasted with Mahathir's by the techniques they applied. Suharto drew participation from diverse interests into newly created institutions, while Mahathir developed and upgraded traditional Islamic institutions to be occupied by UMNO sympathisers.

PPP, MUI and ICMI were examples of Suharto's co-optation instruments. Suharto formed PPP to weaken the influence all Islamic parties, especially traditionalist NU. In order to curb the traditionalist's influence over the party, Suharto ensured modernist-oriented leaders occupy most of its leadership positions. This policy was consistent with Suharto's cabinet appointments, which since 1973, denied traditionalist ulema from becoming the country's Religious Minister. Similarly, MUI functioned as Suharto's co-optation instrument. MUI members had to support Pancasila. Most of the fatwas they issued during the New Order were mostly either supportive or neutral towards the regime. Suharto also ensured the institution is controlled by modernist-oriented ulema. Throughout the New Order period, NU only held the chairmanship of the institution for three years, under Syukri Ghozali (1981-1984). Even then, Syukri was never a vocal critic of the state and served most of his career as a Kemenag bureaucrat. In the same vein, Suharto's symbolic institutionalism defined ICMI's formation in 1990. However, unlike PPP and MUI, which were aimed at containing the traditionalist, Suharto formed ICMI to neutralise neo-modernist Muslim intellectuals. By the time ICMI was formed, all Indonesian Muslims organisations and institutions had embraced Pancasila as

their ideology. Suharto used ICMI as the state's channel to prevent Islamic intellectuals from challenging its authority, and as a counter to the military, which, by the late 1980s, were internally divided in supporting him.

In contrast, Mahathir's co-optation strategy relied mostly on the upgrading of traditional Islamic institutions. He upgraded the shariah courts, the *negeri* religious councils, and most significantly, federal Islamic institutes JKF-MKI and JAKIM. Mahathir co-opted ulema or key political personalities into these institutions to counter PAS, which in the 1980s, was becoming more Islamist in outlook. He also sought to bring the religious discourse closer to his definition of "progressive" Islam. In order to achieve these objectives, Mahathir strengthened the authority of JAKIM, IKIM and JKF-MKI. Important activists from the Islamic resurgence, particularly members of ABIM, were also invited into UMNO or lead his co-optation institutions. Besides, Mahathir also developed Islamic universities (such as IIUM and ISTAC) and Islamic banks as part of his Islamisation agenda. He invited key resurgent ideologue, Professor Syed Naquib Al-Attas, to be ISTAC's founding director.

By focussing on the contrasting Suharto's and Mahathir's co-optation strategies, the countries' religious cleavages, and political developments during the Islamic resurgence period, the chapter sets up the discussion for Chapters Six and Seven, where I discuss official ulema's capture of their respective states. Understanding these co-optation strategies is also relevant to these chapters' discussion in the following ways. First, the policies undertaken by Suharto and

Mahathir continue to shape politics in their respective countries today.¹⁵⁵ In fact, the post-Suharto period continues to manifest the remnants of corruption, money politics, and repression by elites, thuggish intimidation of opponents and elite intimidation just as when Suharto was in power (Aspinall & Fealy, 2010, p. 3). Similarly, Mahathir's legacy in Malaysia is equally profound. The problems created during Mahathir's rule has hindered many reforms that his predecessors wish to make (Welsh & Chin, 2013), including tackling corruption, resolving ethnic and religious tensions, and mitigating abuse of power by the ruling elites. Even after formally retiring from politics, Mahathir have interfered, covertly and overtly, in the political process. He also contributed to Abdullah Badawi's downfall after the 2008 elections.

Second, both states continue to apply these contrasting co-optation strategies in managing Islamic interests. In other words, the Indonesian state behaviour towards Muslim organisations still reflects elements of symbolic institutionalism, while the Malaysian state applies substantive institutionalism. Contemporary MUI continues to be occupied by personalities from diverse groups, and it is in the state's interest MUI remains as such. Liberals, conservatives, progressives, traditionalists, modernists, and Islamists occupy MUI's leadership positions. On the other hand, the Najib Abdul Razak government continues to strengthen Malaysian official ulema institutions by giving them more public role, funding, and access in policy-making. The Najib government, through JAKIM, took

¹⁵⁵ To quote the words of Suharto's biographer, Elson (2001), "No matter how many Indonesians may wish to forget him [Suharto], there is no escaping his profound and far reaching legacy. Indonesians must seek to understand and be reconciled with that legacy before they can move on" (p. x).

significant policies to upgrade religious schools and *sekolah pondoks* (Islamic boarding schools) and invited ulema for dialogues.

Third, these institutions continue to shape and constrain the official ulema's capture of their respective states. The laws and powers defined by Suharto and Mahathir conditioned the goals of the official ulema's capture of the state. For example, MUI's powers in the realm of law and fatwa remain limited compared to their Malaysian counterparts. The Malaysian state established JAKIM's role in halal certification, while MUI's role in halal certification remained marginalised. Thus, contemporary MUI streamlined their efforts to pressure the Indonesian state accord it with that role, which Malaysian ulema does not have to do.

MUI: Aims, strategies and challenges of capture

The justification Suharto gave for establishing MUI was to unite Indonesian ulema. Its role was to issue national fatwas and translate government policies. However, throughout the New Order, MUI constituted a strong case of co-optation. Suharto pressed MUI to adopt Pancasila and not to issue fatwas that differed from state wishes (Bramantyo, 2009; Hooker, 1997, p. 16). Bramantyo observed MUI's "main function was to coerce the population into accepting government programs that were problematic in respect to Islamic tradition, such as mandatory birth control or raising money through the sale of national lottery tickets" (2009). During the New Order, MUI was nicknamed *Majelis "Ular" Indonesia* (Council of Indonesian Snakes) for overtly supporting the state (Feillard, 2010, p. 172). "From its conception the religious scholars who formed MUI were corrupted by their undignified submission to Suharto's power, known more for its ruthlessness than for its justice" (Bramantyo, 2009).

Recent works, nevertheless, have pointed to the changing behaviour of MUI ulema: from being co-opted to asserting themselves and making progress towards state capture (see for example Moch Nur, 2005, 2010; Nadirsyah, 2004; Ricklefs, 2012; Wahiduddin, 2004).¹⁵⁶ These works suggest that MUI influenced President Susilo Bambang Yudhoyono's government more than it did

¹⁵⁶ Moch Nur (2010), in MUI's magazine *Mimbar Ulema*, underscores MUI's increasing confidence to act independently during the post-Suharto period. Not only was MUI critical of Abdurrahman Wahid when he was president (1999 to 2001), it issued many religious advisories seen as political and undermining the government (Moch Nur, 2005). Today, MUI sees itself now as *khadimu'l ummah* (servants of the community).

under previous regimes. Ricklefs (2012) goes so far as to suggest that in the post-Suharto era, government was becoming a tool of MUI (p.319). A clear example, Ricklefs notes, is Susilo's opening speech of MUI's 7th MUNAS in 2005

We open our hearts and minds to receiving the thoughts, recommendations and fatwas from the MUI and ulema at any time, either directly to me or to the Minister of Religious Affairs or to other branches of government. We want to place MUI in a central role in matters regarding the Islamic faith, so that it becomes clear what the difference is between areas that are the preserve of the state and areas where the government or state should heed the fatwas from the MUI and ulema (Ricklefs, 2012, p. 287).

Scholars have also accused MUI of promoting conservatism and aspiring to purify Indonesian Islam (M. Crouch, 2009, p.8; Feillard & Madinier, 2011, pp. 256-259; Mohamad Abdun, 2014; Ricklefs, 2012; Riddell, 2001, pp. 300-302). They have accused MUI's fatwas of fanning hatred of religious minorities such as the Ahmadiyahs, Shias, and liberal Muslim groups.

I do not dispute that post-Suharto MUI has gained leverage over the state or that it has become more conservative. Since the fall of the Suharto government, MUI members have been more vocal in expressing their opinions publicly, and their fatwas are becoming more conservative than those of the New Order period. Yet, I argue MUI's influence over the state and society remains marginal, and MUI ulema are struggling to meet most of their capture objectives.

The chapter examines MUI's four capture objectives as case studies. MUI's first objective is to strengthen its authority in shariah economics. In 2008, the state accorded one of MUI's institutions, DSN-MUI, authority to determine fatwas on Islamic banking and finance. DSN-MUI could also appoint supervisors for shariah financial institutions. MUI now wants to build on this

recognition to have authority over other aspects of shariah economics, such as Islamic insurance and micro-finance. Its second objective concerns the right to halal certification. Through LPPOM-MUI, it wants to monopolise this lucrative sector denying other ormas and Kemenag access. LPPOM-MUI is keen to dominate this sector because it generates additional funding for the institution as well as for some of its leaders. Its third objective, and arguably its most important one, is to dominate the religious discourse in Indonesia. Members claim that MUI is the *tenda besar* (big tent) for all ormas, and they want all Indonesian Muslims and ormas to follow the Fatwa Commission's rulings. MUI leaders want to be the only group that can define what correct Islam is. Related to this is their desire that the state deny "deviant" groups such as Ahmadiyah, Shias, and liberal Muslims their right to practise their faith or espouse their views. Fourth, MUI wants the authority to pronounce definitely on public morality. It wants its members to sit on censorship boards, and decide what constitutes good Islamic values for the media industry. MUI's primary motivations in striving for these objectives are not solely political or economics, but emerge out of members genuine belief that they are moving Indonesian Muslims towards the Islamic ideal.

Besides analysing of MUI's objectives, the chapter highlights the strategies MUI members use to meet these four aims. Their strategies include lobbying state officials to affect policies in their favour. MUI's capture would be deemed successful if key state officials or cabinet ministers agree with its fatwas. In addition, how they frame, word and time the release of fatwas could also affect government policies. There have been instances when MUI leaders issued fatwas in times of crisis, and rode on anti-state public sentiments in order to

change government attitudes on a matter. MUI was more successful when it had society backing its religious rulings. Moreover, how MUI members strike backdoor deals with key players in the business sector determines their capture success or failure. There have also been instances where MUI leaders colluded with prominent businessmen to monopolise Islamic and banking sectors.

I suggest MUI has been successful in at least one aspect of its state capture: overseeing the shariah banking and financial sectors. However, it has been struggling to meet other objectives. The chapter concludes with an examination of MUI's current push for shariah tourism, which signals the institution's focus on Muslim conservatism and demonstrates its capture is a work in progress.

MUI ulema have been struggling to meet their objectives because they do not have the three capture modalities their Malaysian counterparts have. There is no clear institutional and legal demarcation of authority between MUI and the state. Existing laws in Indonesia vaguely define MUI's role in the areas it assumes authority such as fatwas and moral censorship. MUI's uncertain responsibilities date back to Suharto's co-optation strategies. Suharto was not interested in empowering official ulema, and relied heavily on repressive tactics to ensure conformity to his policies. Thus, MUI directed much of its resources to revising existing legislation to have the state recognise and strengthen their institution. They also relied on societal conservatism to pressure the state to conform to their requests. The contemporary Indonesian state, however, continues to restrict MUI's capture. Politicians and Kemenag officials are determined to confine MUI's role to the religious sphere. In contrast, the Malaysian state recognised the roles of the official ulema in Malaysia, where the

law clearly defines the statutory roles of JAKIM and MKI.

Furthermore, MUI ulema have been unable to articulate their interests around the state's ideology, Pancasila. This results from the nature of the philosophy underlying Pancasila itself, which is religiously neutral. The adoption of Pancasila with its principles of religious tolerance restricted MUI's attempts to "Islamise" the state. For example, rival ormas have challenged MUI ulema's enforcing halal certification on all food products and banning all forms of immoral entertainment, as violating Pancasila's principles of religious neutrality and diversity. In contrast, the constitutional provision in Malaysia—that Islam is the religion of the federation—legitimated Malaysian ulema's conduct, to the extent that they could act autonomously. While the Malaysian constitution guarantees other faiths can practise freely, official ulema ignored them.

Moreover, MUI is fragmented. Divisions between members have weakened the institution's ability to lobby politicians to incorporate their requests into existing laws and regulations.¹⁵⁷ Divisions in MUI exist in ideological and personal forms. Ideological differences persist between the traditionalists and modernists and between the progressives and conservatives. Personal differences, from members competing for access to important networks, also divide MUI. Arguably, these internal differences have affected MUI's image and diminished the public's trust in it. The public questions MUI members' true intentions, and their competence in managing Islamic affairs. I now turn to MUI's four major objectives and assess each's degree of state capture.

¹⁵⁷ Slater (2010, p. 5) explains how collective mass actions is mobilised in Southeast Asian and effects elite cohesion. Slater believes that the Indonesian state capacity and party strength is intermediate, compared to the Malaysian case which is strong for both variables (p.8).

Expanding authority in shariah economics

The shariah banking and finance have grown to be the most lucrative sectors in Indonesia, even though the country is relatively a latecomer compared to Pakistan, Saudi Arabia and Egypt. While the Suharto government recognised Islamic banking in 1983, it was only in 1999 that Indonesia had its first Shariah bank: Bank Muamalat (Lindsey, 2012b, p.189). Since then, the number of shariah banks increased. In 2002, there were only two shariah banks, but in 2010, there were ten (p. 192). The amount of assets linked to shariah banks also increased. In 2002, the sector's assets were Rp 7.7 trillion (A\$760, 707, 134) but in 2010, they reached Rp 90.4 trillion (A\$8, 930, 899, 348) (Lindsey, 2012b, p.192).

In 2008, the DPR passed the Shariah Banking Law No 21/ 2008 that accorded MUI authority to issue fatwas related to the shariah economics sector. The law granted this authority specifically to one of MUI's institutions, the DSN-MUI. The state's endorsement of DSN-MUI's role in shariah economics reflects an aspect of successful capture: MUI ulema can shape shariah economic policies, influence appointments, and generate income for themselves. DSN-MUI seeks to build on this state-endorsement to consolidate and expand their authority in the sector. The following paragraphs will discuss DSN-MUI's roles and success in shariah economics. I will also explicate DSN-MUI's strategies for expansion and domination; as well as the challenges it faces in meeting capture objectives.

DSN-MUI's roles

MUI established the DSN-MUI on 10 February 1999 to issue fatwas on shariah economics.¹⁵⁸ Before 2008, not all DSN-MUI's fatwas had been incorporated into shariah banking directives (M Cholil, 2011, p. 108); but now, DSN-MUI's fatwas have regulatory force on matters pertaining to shariah banking, insurance (*takaful*), and finance. According to Article 26 of the Sharia Banking Law, all shariah-based businesses, products, and services must comply with DSN-MUI fatwas. This state recognition of DSN-MUI's fatwas is an achievement for the institution, because Suharto had denied MUI this role in the past.

DSN-MUI's role is not limited to fatwas but also extends to supervision. Article 32 of the Law specifies that all shariah banks must establish a DPS (Dewan Pengawas Syariah or Syariah Supervisory Boards) within them. Each DPS comprises of two to three DSN-MUI appointed representatives. DPS members act as shariah advisors to the institutions to which they have been appointed, and their task is to ensure all banking and financial operations are consistent with Islamic principles (M Cholil, 2011, pp. 98-99). Their role is to ensure that all banking transactions are free from *riba* or bank interest, which the Quran forbids (Sekretariat DSN-MUI, 2010, p. 1).¹⁵⁹ DSN-MUI requires conventional and commercial financial institutions with shariah departments to form DPS.

¹⁵⁸ Discussions on the formation of a MUI body overseeing the shariah economy began in 1990. The mission and vision of this body was to socialise shariah economy to the masses. The creation of this body was first mooted in a convention that questioned the permissibility of bank interest in Islam.

¹⁵⁹ See Bank Indonesia, 2008; Sekretariat DSN-MUI, 2010.

Structurally, DSN-MUI functions like a “MUI” within MUI. DSN-MUI’s leadership structure has two levels: the Management Board (Pleno) and the BPH-DSN (Badan Pelaksana Harian Dewan Syariah Nasional or Executive Board). The Management Board has 37 members and its role is to chart the direction of the institution. The BPH-DSN has 21 members and takes charge of the day-to-day running of the institution and issuing fatwas (M Cholil, 2011, p. 85). As at 2011, DSN-MUI had delivered 75 fatwas.¹⁶⁰ One has to contrast DSN-MUI fatwas to MUI Fatwa Commission ones. Fatwa Commission rulings are legally non-binding. DSN-MUI publishes its fatwas in a separate book from the Fatwa Commission ones (DSN-MUI, 2012). Reflecting its intent to be a global player in shariah economics, DSN-MUI also published its fatwas in three languages—Indonesian, English and Arabic. In contrast, the Fatwa Commission published its fatwa compilation in Bahasa Indonesia only.

DSN-MUI’s push to appropriate the shariah economics sector

DSN-MUI members are generally satisfied with the state’s endorsement of their authority over shariah economics (DSN-MUI, 2011, pp. vi-vii).¹⁶¹ During the 2010 MUNAS, they did not make any further demands pertaining to the sector (Majelis Ulama Indonesia, 2011b).¹⁶² As mentioned, DSN-MUI has authority to determine whether institutions meet the “shariah” standards. Financial institutions that meet the shariah standards will receive certificates from DSN-

¹⁶⁰ This perspective I gathered during my interviews with MUI leaders. With the formalisation of DSN-MUI’s role in 2008, Lindsey (2012c) admits that MUI has begun to accrue quasi-legislative powers that resemble those enjoyed by the state ulema councils and multi elsewhere in Southeast Asia, but that has not previously been available to any modern Indonesian fatwa-producing body (p.254).

¹⁶¹ The leaders who have given this endorsement include President Susilo Bambang Yudhoyono, Vice-President Boediono, former Finance Minister Sri Mulyani, and former Coordinating Minister for Economic Affairs Hatta Rajasa.

¹⁶² This is different for other issues—such as the halal certification, pornography bills and religious deviance—where MUI requested the state to formally endorse its role.

MUI. So far, DSN-MUI has issued shariah certificates to quite a few banks, for example BNI Shariah, Mandiri Bank Shariah, and HSBC.

Financial institutions requiring DSN-MUI certificates need to undertake several steps. They must send representatives to explain the nature of the institution's financial transactions and source of capital to DPS officials. DSN-MUI requires these financial institutions to reveal who is managing the shariah compliant departments. The DPS members provide assistance to financial institutions once they meet their conditions. Aminudin Yakub, a member of DSN-MUI, noted that

Based on the [2008 shariah banking] law, every enterprise or company that wants to adopt shariah-oriented businesses has to form a Shariah Supervisory Board (DPS). The task of these advisors [in DPS] is to determine whether every activity is shariah compliant. These advisors are tasked with providing opinions on ways to develop shariah-based products. These advisors act as a bridge between the enterprises and DSN-MUI.¹⁶³

In the same vein, DSN-MUI members alone appoint shariah advisors in financial institutions, preventing those who are not in MUI from these positions.¹⁶⁴ They see themselves as the only competent advisors on jurisprudential matters related to economics, including the ability to distinguish *halal* (permissible in Islam) transactions and un-Islamic investments (Muhammad Syafi'i, 2001, p. 34). DSN-MUI's role manifests two aspects of successful capture: its members have a monopoly over the discourse on shariah economics; and they can influence appointments of personnel in

¹⁶³ Interview with Aminudin Yakub, Member of Dewan Shariah Nasional, 3 December 2012.

¹⁶⁴ Some members of the ormas are also in MUI.

financial institutions. According to Ma'ruf Amin, the Vice-Chairman of MUI who is also an active DSN-MUI member

The problem is that institutions that have the authority to manage finances, both banks and non-banks, are not equipped with the authority in shariah. The Indonesian state is not a religious state and also not a secular state. For example, Bank Indonesia, which all this while has been authorised by the laws and mandated to manage the banking sector, does not have the authority to determine whether the operations or products carried out by Islamic financial institutions are in line with shariah principles (quoted in M Cholil, 2011, p. vi)

Ma'ruf is implying that DSN-MUI's role is to complement the state's and the Indonesian Central Bank's incompetency in Islamic jurisprudence. M Cholil Nafis, a DSN-MUI member, echoes Ma'ruf's views. He adds that DSN-MUI members have a role to equipping bank managers with *fiqh muamalah* or Islamic jurisprudence concerning trade because there are no other channels for bank personnel to learn about Islamic banking (M Cholil, 2011, p. 98).

DSN-MUI members feel that they are persons of good character and high learning, giving them exclusive rights to determine appointments in shariah financial institutions. They claim that they will not appoint "immoral" persons. Aminudin characterises an immoral person as someone who has a poor record of accomplishment in the financial sector, has taken credit loans from banks, and has not paid those loans.¹⁶⁵ DSN-MUI members also judge a person's morality by the quality of his religious practices and rituals. Ichwan Sam, MUI's secretary general, said that

If the person does not carry out his prayers, even though this may be a very small issue, it is reported [to the MUI leaders]. If the person is caught gambling in Singapore, then he will not be appointed into the DPS. These moral standards apply for all the ulema in MUI. We as the leaders of MUI, are not supposed to go to the cinemas. We are not allowed to eat and drink at cafes in

¹⁶⁵ Interview with Aminudin Yakub, 3 December 2012.

the middle of the night. These actions are inappropriate for an *alim* [singular for ulama]. Morality is very important.¹⁶⁶

So far, no DSN-MUI member has ever been called up by the KPK (Komisi Pemberantasan Korupsi or Corruption Eradication Commission), and there have not been any reports related to DSN-MUI members' wrongdoings. The public's trust of DSN-MUI is stronger compared to its halal certification body, LPPOM-MUI, where there have been allegations of members' abuse of power and corruption (to be discussed later). However, one DSN-MUI member I interviewed cautions against optimism. He felt that the standard operating procedures regarding DPS appointments remain unclear.¹⁶⁷ In other words, appointments into the DPS depends on personal ties and networks rather than merit.

DSN-MUI has published many articles presenting their projections for shariah economics. Through these publications, DSN-MUI hopes to draw investment into the sector, raising demand for DSN-MUI's services. In 2011, DSN-MUI published the *Direktori Syariah Indonesia* (Sharia Directory of Indonesia) which exaggerated several projections of the Indonesian shariah banking and finance sectors. DSN-MUI forecast that by 2023, the Indonesian shariah financial sector will overtake other Islamic countries including Egypt and Turkey (DSN-MUI, 2011, p.17).¹⁶⁸ DSN-MUI is upbeat about Indonesia eventually taking over countries such as United Kingdom, Yemen, Syria and United Arab Emirates (UAE) in Islamic banking. By 2023, DSN-MUI hopes that Indonesia will have

¹⁶⁶ Interview with Ichwan Sam, 7 December 2012.

¹⁶⁷ Interview with a member of Dewan Syariah Nasional, 12 August 2014.

¹⁶⁸ It projects the Egyptian Islamic financial industry in 2023 to be worth US\$624 billion (A\$718 billion), followed by Turkey's US\$581 billion (A\$669 billion). Iran's assets in the Islamic financial industry will amount to US\$581 billion (A\$669 billion).

overtaken its closest neighbour Malaysia, whose current asset-holding is the largest in Asia (DSN-MUI, 2011, p. 17). Current statistics, nevertheless, suggest that DSN-MUI will not achieve any of its forecasts. In fact, Indonesian Islamic banks have struggled to meet the earlier targets set by Bank Indonesia, to increase market share to five per cent by 2008 (Rifki, 2013, p. 127).

DSN-MUI employs the language similar to that used by the Islamic resurgence movement of the 1970s to increase demand for its services. Its members repeatedly profess that Islam has its own systems and values as opposed to Western and secular values. They also claim that Islam endorses a universal economics system that can be found in shariah economics. To quote from the *Direktori Shariah Indonesia*,

History shows that the development of Islamic financial industry requires a very long process to achieve its present state, which leads to the formation of Islamic banks, insurance and capital markets. This history began with the birth of Islam 15 centuries ago. Islam recognises *muamalah* (trade) principles and bridges law of human relations to covers trade relations in a broad sense (DSN-MUI, 2011, p.15).

Slamet Effendy Yusuf, a MUI board member, also applied anti-Western reasoning to promote Islamic banks. According to Slamet,

Shariah economy is something that Indonesia needs. The capitalistic system is very exploitative. When a person uses a credit card, they have to pay interest up to as much as 100 per cent. They [the Westerners] are exploiting the weak. If we use the credit card for one year, we have to pay interest... Shariah economy is not exploitative and not harmful to people. Shariah economics is anti-interest.¹⁶⁹

Thus, DSN-MUI endeavours to consolidate its dominance in the shariah economics sector. They claim to be competent in both theological and economics matters, morally upright supervising financial transactions, and

¹⁶⁹ Interview with Slamet Effendy Yusuf, 5 December 2012.

having the leadership qualities to drive Indonesian shariah economics forward. They use emotive language to market DSN-MUI's services distinct from the pitches of conventional financial institutions.

Expanding shariah economics beyond banking and finance

Since 2008, DSN-MUI has sought to expand their authority in shariah economics to other financial sectors. These sectors include insurance, pensions fund, venture capital, credit, commodities, pawnshop, capital markets, corporate and finance (DSN-MUI, 2011). After the shariah banking and finance sectors, the other most developed sectors DSN-MUI is managing is insurance. Currently, DSN-MUI appoints shariah supervisors in Islamic insurance companies. According to the *Direktori Syariah Indonesia*, Islamic insurance offers life protection and assistance schemes that follow the principle of *tabarru*, where insurers agree to donate part of contributions to help the needy. The directory indicates that these *tabarru* contracts do not contain *gharar* (deception), *masyir* (gambling), *riba* (usury), *zulm* (persecution), and *risywah* (bribery) (DSN-MUI, 2011, pp. 64-65). The directory also specifies that such immoral practices are prevalent in conventional insurance schemes. Nonetheless, the directory does not give any evidence on how these conventional insurance schemes contain such immoral practices.

Are DSN-MUI members committed to bringing Muslims closer to Islam, or are they fulfilling personal interests? From the outset, they claim to act based on Islamic principles. They were building on this discourse calling for Islamic alternatives to conventional financial institutions and businesses. Yet, there are

also economic motivations underlying their projects. DSN-MUI members want a stake in the above-mentioned sectors so that they can generate additional funds for their institution, and for themselves, by increasing the number of patrons for the services they are offering.

Recently, DSN-MUI wanted a role in the Haj and umrah sectors, which is currently overseen by the Kemenag (under the Haj Directorate General or Ditjen Haji). The Haj is the fifth pillar of Islam where Muslims undertake their pilgrimage to the holy city of Mecca in Saudi Arabia. The Haj is held annually on the twelfth month of the Islamic calendar, and on average, 200 000 Indonesians travel to Mecca. The umrah is a short-term pilgrimage to Mecca available to Muslims at any time of the year. DSN-MUI regulations dictate Muslims can only use funds kept in "interest-free" banks to finance Haj and umrah, implying Muslims can only use funds kept in shariah banks registered with DSN-MUI. Because of this, DSN-MUI wants the Kemenag to recognise DSN-MUI's role in the Haj and umrah sector and help develop the shariah-banking sector. According to Aminudin Yakub,

The Haj is a religious obligation, hence based on the regulation and government order, Haj funds have to be managed by the shariah banks. The shariah banks also manage the zakat, the tithe. Right now, the market share for shariah banks is only four per cent. The main factor for this low figure is the lack of political will from the Indonesian government. In Malaysia, the government is supportive, and the government has rules and regulations that spurred the growth of the Islamic banks.¹⁷⁰

Though DSN-MUI has not issued a fatwa on the Haj and umrah, I consider DSN-MUI's insistence, that Indonesian Muslims can only use interest-free funds to finance the Haj and umrah, conservative. For a long time, most ulema in

¹⁷⁰ Interview with Aminudin Yakub, Member of Dewan Shariah National, 3 December 2012.

Indonesia had no qualms about Muslims using funds deposited in conventional banks to finance their Haj and umrah. NU and Muhammadiyah ulema have also run banks based on the conventional system. The ulema in the Islamic world—including those in Malaysia—generally allow Muslims to use funds from conventional banks for Haj and umrah. In Singapore, a majority of Muslims financed their Haj through funds deposited in the conventional banks.

Personalised capture in DSN-MUI

The *Direktori Syariah Indonesia* shows that DSN-MUI's venture into Islamic economics has given rise to a few powerful individuals. At least two DSN-MUI Pleno members dominate DPS appointments in established banks, and they are Syafi'i Antonio and Ma'ruf Amin.¹⁷¹ Syafi'i Antonio is the syariah supervisor of five banks, and of them is the BT Bank Syariah Mandiri PT, which is the biggest syariah bank in Indonesia. Syariah Mandiri PT owns a quarter of the market share of eleven biggest Islamic banks in Indonesia.¹⁷² Syafi'i also holds appointments in the Islamic Banking Committee at the Central Bank of Indonesia, Central Bank of Malaysia, and the Dubai based Global Shariah Board of al-Mawarid Finance and Insurance.¹⁷³ In 2010, President Susilo Bambang Yudhoyono appointed Syafi'i as a member of KEN (Komite Ekonomi Nasional or National Economic Committee) which advises the Indonesian President on economic matters. Besides these appointments, Syafi'i is also a successful entrepreneur. He is CEO of the Islamic-based Tazkia Group and the Chairman of Tazkia University College of Islamic Economics. He also

¹⁷¹ Syafi'i Antonio (@Nio Gwan Chung), a Muslim convert, holds a Master's Degree in Syariah from Jordan University, Masters of Economics from International Islamic University of Malaysia, and PhD in micro finance from the University of Melbourne.

¹⁷² Global Capital Website, 2013.

¹⁷³ See Syafi'i Antonio Website. <http://www.syafiantonio.com/> (Date Accessed: 11 June 2014). Syafi'i also owns the Tazkia Travel and Tours.

established the AIC (Andalusia Islamic Centre). Located in Sentul Bogor, AIC houses the STEI TAZKIA Campus, a mosque, a multi-purpose centre, the Andalusia Converts Centre, and the Andalusia Commercial Centre. The AIC is located on 25000 square meters of land in Jakarta (Edy Supriatna, 2011).

Ma'ruf Amin has the highest number of appointments as shariah supervisor. He sits on the sharia supervisory committees of at least eight banks and insurance companies. Other senior MUI leaders supervise between one and three banks on average. Based on the the *Direktori Syariah Indonesia*, Hasanuddin (MUI Fatwa Commission Chairman), Didin Hafidhuddin and Muhammad Gamawan Yasni only supervise one bank each.¹⁷⁴ MUI Chairman Sahal Mahfudz (before he passed away on 24 January 2014) sat in only two financial institutions: the AJB Bumiputera 1912 and Bank HSBC Indonesia PT (DSN-MUI, 2011, p. 33). Din Syamsuddin, MUI's current chairman, is the shariah supervisor for Bank Syariah Bukopin PT and Bank Danamon. MUI secretary general, Ichwan Sam, supervises only three financial institutions in total: they are Bank Maybank Syariah, Asuransi Jiwa Syariah Al Amin, and Reasuransi Internasional Indonesia. The table below shows the list of financial institutions that appointed Syafi'i and Ma'ruf as shariah supervisors.

¹⁷⁴ Hasanuddin supervises Bank Danamon while Didin Hafidhuddin and Muhammad Gamawan Yasni are supervisors for Bank BRI Syariah.

Table 3. List of institutions in which Syafi'i Antonio and Ma'ruf Amin are DPS members¹⁷⁵

DSN-MUI Member	Syafi'i Antonio	Ma'ruf Amin
Financial Institutions	BT Bank Syariah Mandiri PT	Bank BNI Syariah PT
	Indonesia EximBank	Bank Muamalat Indonesia PT
	Batasa Capital	Bank Syariah Mega Indonesia PT
	Permodalan Nasional Madani (Persero)	MEGA Capital Investama
	PNM Techno Venture Syariah PT	ESQ Leadership Centre
		Ikatan Ahli Ekonomi Islam (IAEI)
		Golden Traders Indonesia Syariah (GTIS)
		Masyarakat Ekonomi Syariah (MES) as Chairman of Board of Patron

Source: DSN-MUI (2011).

DPS members are paid by the banks and insurance companies they supervise, which raises questions about their objectivity in the way they approve financial transactions (Lindsey, 2012c, p. 266). In addition, very little information is available on how much they receive. MUI has not been forthcoming in providing this information and does not publish or publicly discuss their financial accounts (Lindsey, 2012c, p. 266). When asked about how much banks pay DPS members, my interviewees from DSN-MUI refused to disclose this information.

DSN-MUI's venture into expanding shariah economics have accelerated Ma'ruf Amin's rise in the public domain. He has become the institution's spokesperson on shariah economics. He has been invited to speak in conferences and has

¹⁷⁵ The ESQ Leadership Centre and IAEI are not financial institutions in the strictest sense.

published many books on the subject. On 5 May 2012, Ma'ruf received an honorary doctorate (*honoris causa*) from UIN Syarif Hidayatullah for his contributions towards the country's development in Islamic banking and finance sectors. During the award ceremony, Professor Atho' Mudzar—who in 1993 published his doctoral thesis critical of MUI—hailed Ma'ruf as the person who found a breakthrough in Islamic banking through the revitalisation of classical concepts (Ahmadie, 2012, p. 21). I consider Atho's words about Ma'ruf exaggerated considering Ma'ruf's views, including those spelled out in his book *Era Baru Ekonomi Islam Indonesia* (Ma'ruf, 2011), are mishmash of key ideas from other Islamic scholars. The lack of originality in Ma'ruf's view is understandable; his past affiliations show that he was more a politician than an economist. Ma'ruf has been a former DPR member for three parties: NU, PPP and PKB (Partai Kebangkitan Bangsa or National Awakening Party. In 1971, he was elected as NU's DPRD (Dewan Perwakilan Rakyat Daerah or Indonesian Regional Legislative Assembly) member for Jakarta at the age of 28 (Asrori, 2013).¹⁷⁶ Later, Ma'ruf became a politician in PKB.¹⁷⁷ While Ma'ruf was very active in politics, there is little indication that he received any formal training in economics. As his biography *70 Tahun Dr KH Ma'ruf Amin* indicates, Ma'ruf's educational background was mainly in the religious sciences. He is a graduate

¹⁷⁶ Nevertheless, he did not run as a candidate in 1982. Ma'ruf later left PPP because he believed that NU had been sidelined, after PPP was led by Parmusi leader Jaelani Naro from 1978 to 1989.

¹⁷⁷ During the Abdurrahman Wahid presidency, Ma'ruf fell out with the NU and PKB leadership. Abdurrahman Wahid denied Ma'ruf a senior PKB position. After this fallout, Ma'ruf sought to re-establish himself with MUI and became less active in NU (Asrori, 2013, p. 27). Ma'ruf also clashed with Abdurrahman Wahid's pluralist values (Preston, 2012, p. 170). Ma'ruf Amin threatened to leave NU if they did not declare Ahmadiyah deviant. Interview with Rumadi Ahmad, Program Coordinator, Wahid Institute, 3 December 2012.

from pesantren Tebuireng in Jombang and Ibn Khaldun University (Asrori, 2013).¹⁷⁸

Ma'ruf's active involvement in DSN-MUI propelled him into the state's power structure during the Susilo Bambang Yudhoyono government. He served as a member of the Wantimpres (Dewan Pertimbangan Presiden or Presidential Advisory Council), which is an advisory body to the president separate from cabinet. Wantimpres members have a significant influence of policy-making, and they may be required to attend cabinet meetings or accompany the president on state and working visits (Butt & Lindsey, 2012, p. 38).¹⁷⁹ Ma'ruf's appointment is a great recognition for a kiai who had not been very influential in the religious domain. He founded a relatively less known *Pesantren An Nawawi Tanara* which is located in Tangerang, Banten (West Java).

On the other hand, the rise of the likes of Ma'ruf Amin and Syafi'i Antonio show elements of personalised capture. They are able to occupy important positions in the state and exploit business networks to become successful entrepreneurs. Personalised capture is a subset of institutional capture, which is reflected in MUI's ability to obtain state recognition on the shariah economics sector. The possibility for personalised capture attracts ulema to MUI, even though the institution's influence in the religious domain is questionable. Institutions such

¹⁷⁸ Ma'ruf also claims his authority through his genealogy. He is the grandson of famous Syeikh Nawawi al-Banten.

¹⁷⁹ See website "Dewan Pertimbangan Presiden," 2014. Since 2010, Ma'ruf Amin has served on the Inter-religious relations committee, but from 2007 to 2009, he served on the religious life committee.

as MUI provide avenues for ulema to tap the state's resources or to propel themselves into the state power structures.

Can DSN-MUI build on its success?

I consider DSN-MUI a case of successful capture. Yet, the institution continues to face several constraints in achieving dominant status in shariah economics. Certain provisions in the 2008 Sharia Banking Law illustrates that DSN-MUI's role is more limited than its members' would like.¹⁸⁰ According to Lindsey (2012a), the 2008 Law confirms that Indonesia's Central Bank—and not DSN-MUI—has the final authority over Islamic banking in all aspects (Lindsey, 2012a, p. 122). He says

The 2008 Islamic Banking Law did not radically alter the existing laws intended to 'tidy up' inconsistencies, and it explicitly stated in art 69 that the 1992 Banking Law, as amended by the 1998 Banking Amendment Law, continued to apply to the extent not inconsistent with the new Law (Lindsey, 2012a, p.116).

Certain provisions in the law also indicate that DSN-MUI members do not have exclusive powers to determine shariah supervisory board appointments. Article 32 Paragraph (2) of the Law stipulates that "a Sharia Supervisory Board as considered in paragraph (1) shall be appointed by the General Meeting of Shareholders on the recommendations of the Indonesian Ulema Council." This shows the banks have overriding powers to reject DSN-MUI recommendations even though this has not yet happened.

¹⁸⁰ The *Blueprint for Islamic Banking in Indonesia*, a document produced by the state in 2002, indicates that DSN-MUI's role is mainly to do with to theological matters. The document remains the guide to state policy in Islamic economics. The blueprint shows that the state is less interested in Islamic traditions or debates, but how the fatwa should be situated in accordance with state regulatory policies and standards (Lindsey, 2012a, p. 122). The passing of the 2008 Shariah Banking Law only affirms this role.

Moreover, DSN-MUI has not been effective in marketing the sector. Compared to conventional banks, the market share for Islamic banks remains low. In 2009, Islamic banks' market share stood at 2.6 per cent and in 2010, 3.2 per cent. As at February 2012, the percentage of those who patronise Islamic banks remain at four per cent (Rifki, 2013, p. 127).¹⁸¹ This percentage is below the target set by Bank Indonesia, which was five per cent by the end of 2008. Furthermore, as at November 2009, Islamic banks' share of assets in relation to total banking assets was just 2.49 per cent (Rifki, 2013, p.98). Given Islamic banks' underachievement, DSN-MUI is unlikely to accomplish its goal as a leading institution in the international Islamic banking and finance sectors, and to overtake United Arab Emirates, Yemen, and Malaysia by 2023. The low demand for Islamic banking services is also seen in other institutions that MUI helps to setup or manage, such as the BAYARNAS (Badan Arbitrase Syariah Nasional or Indonesian National Sharia Arbitration Board) and the BAMUI (Badan Arbitrase Muamalat Indonesia or Indonesian Islamic Arbitral Tribunal). In 1993, DSN-MUI created these institutions to resolve disputes over Islamic finance, Islamic banking and Islamic insurance and their services are available to both Muslims and non-Muslims. However, between 1997 and 2010, only 17 cases were filed to both BAYARNAS and BAMUI (Lindsey, 2012c, p. 263).

In March 2014, the media scrutinised DSN-MUI's shariah certification competency in the Golden Traders Indonesia Shariah (GTIS) scandal. DSN-MUI issued a shariah certificate to GTIS, an investment company involved in

¹⁸¹ Interview with Aminudin Yakub, Member of Dewan Syariah Nasional, 3 December 2012.

gold trading. Ma'ruf Amin served as one of its DPS members. *Tempo* reported that GTIS founder, Michael Ong disappeared with an estimated of Rp 1 trillion (A\$1 million) worth of investment.¹⁸² It also reported that MUI owned ten per cent of the company shares (*Tempo*, "Nasabah GTIS Akan Demo ke Kantor MUI," 18 March 2014,). The media held Ma'ruf accountable for issuing a shariah certificate to GTIS. Although DSN-MUI issued certificates to companies based on compliance to Islamic principles, DPS members have a duty to monitor every banking transaction. They must ensure that every bank employee is a person of integrity and has a good record in finance.¹⁸³ This is in line with Syafi'i Antonio's perception of a shariah bank:

A shariah bank must reflect Islamic work ethics. Bank professionals must be persons with integrity and good Muslims. They must be skilful and professional.... They must also dress ethically as they work in institutions that bear the name of Islam. They must cover their *aurat* (modesty) and must be well-mannered (cited in Riza Yulistia, 2009, p. 99).

DSN-MUI may have mistakenly issued a shariah certificate to Michael Ong; but the whole GTIS issue highlights the underlying problems of DSN-MUI's shariah certification. Nadratuzzaman Hosen, a MUI leader, says that GTIS owners capitalised on DSN-MUI certificates to attract Muslims to their scheme.¹⁸⁴ Yet, DSN-MUI was only involved in the pre-certification stage. MUI Chairman, Din Syamsuddin conceded that MUI cannot supervise shariah transactions (*Tempo*, "MUI Akui Kecolongan Soal Investasi Bodong GTIS," 19 March 2014,). Ma'ruf Amin later disclosed that DSN-MUI only conducted checks once every two years. His confession contradicted the image other members tried to portray:

¹⁸² As a result, 80 affected investors protested at MUI's office in Jalan Proklamasi in Jakarta in March 2014.

¹⁸³ Refer to Aminuddin Yakub's views earlier on DSN-MUI's role in assessing investors' records of accomplishment. Interview with Aminudin Yakub, Member of Dewan Syariah Nasional, 3 December 2012.

¹⁸⁴ Interview with Nadratuzzaman Hosen, MUI leader, 12 August 2014.

that DPS actively monitors every banking transaction. To be sure, the GTIS controversy dented DSN-MUI's credibility in supervising Islamic financial institutions.

Generating income through halal certification

As discussed in the previous paragraphs, MUI has been generally successful in dominating the shariah economics sector. MUI members hope to replicate this success in the halal certification sector. Halal certification is another source of income for MUI, apart from funds it receives from the state, and the income generated from shariah economics. Currently, MUI is the biggest institution in Indonesia issuing halal certificates for food and drinks, medicines, and cosmetics. The main institution within MUI responsible for halal certification is LPPOM-MUI.

However, its aim to dominate halal certification has been restricted by Kemenag. Competition from NU, which also wanted to be involved in the sector, is likely to limit LPPOM-MUI's role. In fact, Kemenag has always been NU's stronghold. Between 2009 and 2014, the DPR debated the Halal Certification bill. LPPOM-MUI wanted exclusive authority over halal certification clearly defined in the revised law because its current role has been *de jure* rather than *de facto*. On the other hand, Kemenag insisted that halal certification fell under its authority and MUI's role only concerned fatwas.¹⁸⁵

¹⁸⁵ This information is provided through my conversations with LPPOM-MUI members.

Furthermore, a series of scandals involving LPPOM-MUI's members undermined its capture. The media questioned LPPOM-MUI's ability to manage halal certification, and the public began to suspect the behaviour of several LPPOM-MUI leaders. The media accused several LPPOM-MUI members of obtaining excessively high commissions from halal certification. Ironically, those LPPOM-MUI relied on to push for exclusive rights over halal certification questioned its integrity.¹⁸⁶

In the next section, I discuss LPPOM-MUI's history. An examination of LPPOM-MUI's attempts to dominate halal certification follows. The section concludes with a description of the challenges LPPOM-MUI faces, particularly NU's attempts to rival LPPOM-MUI, and the impact of media coverage of the LPPOM-MUI scandals.

History of LPPOM-MUI

LPPOM-MUI was established on 6 January 1989 (Amirsyah, 2012). Its role was to audit food, cosmetics, and medical products and determine whether they are permissible for Muslims' consumption. The institution ensures that these products do not contain traces of pork or alcohol, which the Quran forbids. LPPOM-MUI members include scientists, researchers and marketing professionals, and they work closely with the MUI Fatwa Commission. The MUI ulema and LPPOM-MUI members work closely together with the former issuing fatwas determining which elements are halal; and the latter testing products

¹⁸⁶ Interview Nadratuzzaman Hosen, 12 August 2014.

based on scientific methods. LPPOM-MUI owes its formation to a controversial article published in a student magazine of the Brawijaya University in Malang (Darul et al., 1995, p. 197). The article of February 1988, indicated that a sample of food products—such as powdered milk, noodles, bread, drinks, and detergents—contain traces of pork meat and fats.¹⁸⁷ This finding sparked unhappiness within the Indonesian Muslim community.

However, it was the 1999 Ajinomoto controversy that triggered LPPOM-MUI's push for more official recognition. Ajinomoto is a Japanese company that produces food seasoning and cooking oils. LPPOM-MUI auditors complained that there were traces of *bactosoytone* (pig enzyme) found in these products. Normally, these products contain *poly peptone*, a soybean enzyme.¹⁸⁸ On 16 December 2000, MUI issued a fatwa declaring Ajinomoto products forbidden, and LPPOM-MUI threatened to retract the Ajinomoto halal certificate. MUI's fatwa ran counter with then President Abdurrahman Wahid's views, himself an Islamic scholar. Abdurrahman argued that Ajinomoto products were halal and told Indonesian Muslims not to overreact. There were also economic concerns underlying Abdurrahman's views: 4000 jobs would be lost if the Ajinomoto factory in Indonesia had to close. The closure of Ajinomoto could damage Indonesia's ties with other Japanese investors. In the end, though,

¹⁸⁷ Ichwan Sam recalled how the government forced MUI leaders to clarify the issue to the public. The government invited senior leaders from MUI and they were made to come to a particular place, along with television crew, and they were asked to drink milk containing forbidden materials. The milk was clearly not halal, and hence they were just televised drinking the milk. This was a very disrespectful way to treat the ulema. In the end there were extensive talks with several parties, departments from the Ministry, and MUI. This later led to the formation of halal certification body. Interview with Ichwan Sam, 3 December 2013. See also Darul et al., 1995, p. 197.

¹⁸⁸ Interview with Ichwan Sam, 3 December 2013.

Abdurrahman relented and followed MUI's fatwa. As a result, Ajinamoto recalled 3000 tonnes of its products from Indonesia.

Building on its "success" against the Abdurrahman government, LPPOM-MUI members now wanted to be recognised as a leading local and international body in halal certification. It is currently a member institution of the WHF (World Halal Foundation), which has an office above MUI's in Jakarta. LPPOM-MUI also co-operates with 41 other halal certification bodies to standardise halal procedures internationally (LPPOM-MUI, 2012). Ma'ruf Amin claims that LPPOM-MUI is the most competent halal-certification institution in Indonesia because it has well-trained scientists carefully auditing the products.¹⁸⁹ Similarly, LPPOM-MUI director Lukmanul Hakim says that

Since 1989, LPPOM-MUI has undergone many challenges in order to achieve its status, as a certification body that is widely acknowledged and reliable internationally. This is because the system adopted by LPPOM-MUI justification body is strict, logical and professional, and this began from examination of products by the auditors who possess knowledge that is relevant with food, medicine, and cosmetics and the experience of the fatwa, which was issued by the fatwa Council.

Companies seeking halal certification for food, medical, and cosmetic products have to follow LPPOM-MUI procedures which can be divided into three broad areas: the pre-audit, audit, and post-audit process (Muhammad Nadrattuzaman, Undated).¹⁹⁰ Once all these auditing procedures are completed, LPPOM-MUI auditors present products that require certification at

¹⁸⁹ Interview with KH Ma'ruf Amin, 3 December 2012.

¹⁹⁰ The pre-audit stage mainly refers to company preparation to provide the necessary information for their product. During this stage, companies new to halal certification process would need to undergo some form of training to prepare the documents correctly. The task of examining the content and ingredients of such products is carried out by the LPPOM-MUI auditors. This examination process is in line with the standard operating procedures as pointed out by MUI fatwa commission.

the weekly MUI Fatwa Commission meetings to obtain halal “endorsement” from the ulema. During these meetings, the auditors from LPPOM-MUI will present a list of products requiring halal certificates detailing all the ingredients in them.¹⁹¹ In truth, these presentations are somewhat futile. LPPOM-MUI has established a list of ingredients considered halal or *haram* (forbidden) so it is not necessary to present these products at the Fatwa Commission meetings.

In one of such Fatwa Commission/LPPOM-MUI meetings I observed, out of more than 200 products tabled, only one product’s status was debated. Furthermore, the ulema were more concerned with the wordings of fatwas than the scientific debates surrounding the ingredients of the product. My impression was that the ulema might not have the necessary expertise and the scientific knowledge to determine whether a product is halal or not. Undeniably, the same applies to the religious elites of the Catholic Church or Jewish organisations, who also rely on scientific reports before making theological judgements. Nonetheless, it is clear LPPOM-MUI ulema have overstated their role in the halal certification process because the auditors do most of the work. The ulema’s involvement only lengthens the whole certification process.

Dominating halal certification procedures

LPPOM-MUI has made several requests to the state to be the only institution overseeing halal certification. It wants the state to accord it statutory recognition over halal certification rather than in a series of interconnected regulations (Lindsey, 2012c, p. 266). LPPOM-MUI also wants the state to make halal

¹⁹¹ The meeting was chaired by the H Hasanuddin AF Head of Fatwa Commission. Interview with H Hasanuddin AF, 29 November 2012.

certification mandatory for all food products in Indonesia. Before, the regulations governing halal certification were confusing. The Ministry of Agriculture regulates companies importing carcasses, meat or offal into Indonesia to employ permanent staff to ensure that animal products are halal. This legislation indicates that "officers should be supervised by a halal agency body LPPOM-MUI and the fatwa committee of the Central Branch of MUI." Moreover, Article 30(2) Law 7/1996 states that LPPOM-MUI has the powers to issue halal labelling for food products. The regulations mentioned so far reflect the state's endorsement of LPPOM-MUI's rules in halal certification. However, LPPOM-MUI is not a registered institution with KAN (Komite Akreditasi Nasional or National Accreditation Committee) under the Badan Standardisasi Nasional (BSN or National Standardization Body). The fact that LPPOM-MUI is not under KAN contradicts Article 11(1) of government regulation No 69/1999, which indicates that KAN must accredit any inspection agency for halal food (Lindsey, 2012b, p.135).

Therefore, LPPOM-MUI has requested the state give it a clear mandate for halal certification. LPPOM-MUI made its request during the *Ijtima' Ulama* in 2009. MUI established a committee to make recommendations on existing laws and regulations, and one of the issues raised was halal food certification. The committee requested the government conclude the Halal Certification Bill quickly. The Bill was initially put forward for enactment in 2009 (Majelis Ulama

Indonesia, 2011a, p. 921).¹⁹² The committee recommended the government make halal certification mandatory for all food products.

During the same Ijtima' Ulama, another sub-committee was convened recommending the government accord the authority to issue fatwas on food, cosmetics, and medical products to MUI only. The committee made several requests for halal certification to be solely their prerogative. It claimed LPPOM-MUI is the only organisation with the experience, knowledge, networks, and expertise to carry out halal certification at domestic and international levels. It also requested more resources be given to LPPOM-MUI so that it could carry out auditing and observations on certified products, both in Indonesia and other parts of the world. It also called on the state to spell out the sanctions for violations of halal certification (Majelis Ulama Indonesia, 2011a, pp. 921-922).

The requests made during the 2009 Ijtima' Ulama were repeated by LPPOM-MUI members over the years that followed. The committee made these demands because the state wanted to take-over some aspects of halal certification, and other ormas wanted to break MUI's monopoly over the process (to be discussed later). During the 2010 MUNAS, MUI members again demanded that the government and the DPR give LPPOM-MUI exclusive rights to halal certificates to LPPOM-MUI because they argued it is the most competent and credible institution dealing with shariah matters (Majelis Ulama Indonesia, 2011b, p. 135).

¹⁹² Business groups and food organisations had objected to the enactment because the passing of the bill could have made halal certification mandatory. In fact, for a long time, the state has been reluctant to grant LPPOM-MUI exclusive monopoly.

There is an economic dimension to LPPOM-MUI's push for dominant status in halal certification, especially given the potential income it could generate. Imdadun Rahmat, NU's Vice-Secretary General, said that

Determining whether a certain food is halal has fallen within the domain of the market. This is because if a product is not labelled as halal it does not sell well... This is a marketing strategy. If the products do not carry halal labels, there is a risk that they will not sell.¹⁹³

A senior LPPOM-MUI member confirmed financial gain underlying the disagreement between LPPOM-MUI and Kemenag on halal certification, though he blamed Kemenag. He stated that Kemenag was keen to be part of the process because the halal certification is quite lucrative. He added that while Kemenag agreed MUI should play a role in issuing fatwas during halal certification, Kemenag wanted to take over the most profitable part, issuing halal labels.¹⁹⁴ Each halal label contains a serial number and fees are charged to obtain this number.

One of LPPOM-MUI's strategies to strengthen its grip on the sector was to generate demand for its halal certification through shaping Indonesian Muslims consumption patterns. During the 2010 MUNAS, LPPOM-MUI insisted that the public, government, businesses, hotels, the transportation sector (such as aeroplanes, submarines, rail, and bus industries), and hospitals prioritise halal-certified caterers (Majelis Ulama Indonesia, 2011b, p. 135). It also urged shariah banks generously finance companies doing businesses in food, cosmetics, and medical products that have been halal certified by LPPOM-MUI

¹⁹³ Interview with Imdadun Rahmat, 30 November 2012.

¹⁹⁴ I obtain this information based on my conversation with an anonymous LPPOM-MUI member.

(Majelis Ulama Indonesia, 2011a, pp. 916-920).¹⁹⁵ In 2013, LPPOM-MUI issued a statement stating most medicines circulating in the country were haram and that the government must ensure Muslims consume halal-certified medicines (*The Jakarta Post*, "Doctors, clerics in medical disputes," 13 December 2013). This angered the IDI (Indonesian Doctors Association). These LPPOM-MUI dictates for Muslims to only use or consume halal-certified products demonstrate how LPPOM-MUI sought to expand its role in halal certification through shaping Muslims consumption behaviour. LPPOM-MUI adopted the most conservative positions regarding consumption prioritizing the contents and ingredients of medicines instead of their ability to heal. However, many Indonesian Muslims disregard LPPOM-MUI's statement.

The tussle between Kemenag and LPPOM-MUI

LPPOM-MUI's quest for dominance in halal certification has been impeded by challenges posed by Kemenag and rival ormas. Politicians in Kemenag emphasise that no organisation should have monopoly over halal certification. They also suggest the role of MUI and other ormas should be restricted to theological domains.¹⁹⁶ The former Vice-Minister of Religion (Wakil Menteri

¹⁹⁵ The recommendation stated that, "The government and DPR should only give halal certification rights to a body (LPPOM-MUI) that is competent and has credibility in shariah" (Majelis Ulama Indonesia, 2011b, p. 135). Dr Ali Mustafa Ya'qub and Asrorun Ni'am Sholeh signed this recommendation.

¹⁹⁶ The state has been consistent with this view. In 1997, discussions on halal certification methods involved many ministries and agencies, such as the Ministry of Health, Ministry of Religion, Ministry of Food, Ministry of Trade and Industry, the manufacturing sector and MUI. At that meeting, MUI's representative walked out. The state official wanted to be involved in halal certification, but MUI was adamant that the procedures for halal certification should all belong to LPPOM-MUI solely. MUI officials reiterated that only LPPOM Director, MUI's Fatwa Commission, and MUI's Chairman could sign halal certificates (Wahyuni, 1997).

Agama), Dr Nasaruddin Umar, affirmed that only the state should issue halal labels.¹⁹⁷ According to Nasaruddin,

Sharia laws fall within the domain of MUI, whereas positive laws fall within the domain of the government. For example, to determine whether a product is halal or not falls under the domain of MUI. But for regulation and certification, the laws fall within the domain of the government. The government only acts on the advice of MUI. If MUI says this is not permissible (haram), the government will say it [the product] has to be withdrawn. Indonesia is not an Islamic state, but a religious state.¹⁹⁸

During our interview, Nasaruddin reiterated MUI religious opinions were not legally binding and suggested MUI is only one of the many institutions registered under Kemenag providing religious opinions to the state and importantly, MUI does not have monopoly status over religion. In other words, the state has the authority to accept or reject MUI's fatwa. In March 2014, Suryadharma Ali, the then Religious Minister, said that MUI should not have a monopoly over halal certification. He argued that the state should have authority over halal certificates in order to avoid "jealousy" from other ormas (Sihalolo, 2014). Suryadharma then proposed the setting up of BPN2H (Badan Nasional Produk Halal or National Body of Halal Products)—a body directly answerable to the president and the religious minister—to replace MUI (Dewan Perwakilan Rakyat Republik Indonesia, 2014). The draft Halal Certification Bill indicates that BPN2H has the authority to issue halal certificates that contain registration numbers.

However, MUI and LPPOM-MUI leaders insisted that their role in the sector should be retained. Responding to Suryadharma's comments, Ma'ruf Amin said

¹⁹⁷ Interview with Nasaruddin Umar, Vice-Minister of Religion Indonesia, 7 December 2012. From the interview, it sounded that this is already the law, but in fact, the DPR was still discussing the issue.

¹⁹⁸ Interview with Nasaruddin Umar, 7 December 2012.

that MUI represents all Islamic organisations. According to Ma'ruf, "MUI is not a civil organisation. It is not the same as NU, Muhammadiyah and other Islamic groups. MUI is a union of a sort, representing a number of civil organisations" (Sihalolo, 2014). Similarly, Lukmanul Hakim, from LPPOM-MUI, quickly chided the state for trying to be a "superpower" in halal certification (*Tempo*, "MUI Ngotot Jadi Pelaksana Sertifikasi Produk Halal," 26 November 2013).

Kemenag reacted to the stalemate by allowing more competition against MUI. In February 2012, Kemenag did not prevent NU from setting up its own halal certification body, the BHNU (Badan Halal Nahdlatul Ulama or Nahdlatul Ulama Halal Body). The head of the BHNU, Maksud Mahfudh, said that NU did not set up an alternative halal certification body to confuse the community. He added that,

From the very beginning BHNU was set up in order to accommodate the demands of the community, namely the producers and consumers who are NU members. For those who are not NU members but trust our halal labels, we are ready to accommodate as well (*Duta Masyarakat*, "BHNU: Kami ada karena Permintaan Umat," 20 February 2012).

NU's move has invited criticism from MUI members. They pointed out the possibility of a conflict of interest in a case in which BHNU certifies a product halal that LPPOM-MUI does not. LPPOM-MUI members claim that too many halal certification bodies may lead to complications and confusion.¹⁹⁹

¹⁹⁹ While welcoming NU's setting up of a halal certification body, Amidhan remarked that MUI already represents other organisations. Members of MUI include those from NU and Muhammadiyah (*Duta Masyarakat dan Jumas*, "MUI sambut hangat BHNU," 7 February 2012). According to Amidhan, MUI is doing this because it is MUI's role, he is assuming the law clearly defines MUI's role.

The discussion in the preceding paragraphs has shown the strategies adopted by politicians from Kemenag to dilute LPPOM-MUI's role. Kemenag has been consistent saying MUI's role should be restricted to issuing fatwas, and not the labelling process. It suggested that other ormas could also issue fatwas on halal products. It did not stop NU, or any other organisations, from carrying out halal certification to warn MUI that its non-compliance with the state's proposal could result in MUI's halal certification being transferred to other ormas.

Nevertheless, there were other internal factors hampering LPPOM-MUI's quest for monopoly over halal certification. Since 2009, LPPOM-MUI has developed a reputation for being incompetent managing halal standards. There have been repeated failures in preventing manufacturers from duplicating LPPOM-MUI halal labels. There have been complains of meats carrying LPPOM-MUI halal labels contain pork. Amidhan, an LPPOM-MUI leader, admitted that they might have been conned into issuing halal certificates for dried beef products (*dengdeng*) which were essentially pork (*The Jakarta Post*, "Official Agency finds pork in halal certified products," 17 April 2009). This shows LPPOM-MUI auditing department's serious ineptitude.

There have also been complaints most halal certified products in the market lack official LPPOM-MUI approval. On 10 February 2011, *The Jakarta Post* reported that only 36 per cent of the products registered with the Food and Drug Monitoring Agency (BPOM) had official MUI halal certificates (*The Jakarta Post*, "Most Halal products lack official approval," 10 February 2011). The remaining 64 per cent of the halal certified products carry labels that manufacturers have

duplicated. This shows that manufacturers can easily copy MUI's halal labels adding to MUI's list of failures.

In December 2012, LPPOM-MUI's incompetency was again reflected when a local shoe company Kickers faked halal certificates (*The Jakarta Post*, "Local Kickers distributor apologize for 'halal' label," 26 December 2012). LPPOM-MUI's halal label was on Kickers shoes containing pigskin (with the label "pig skin lining"). The shoes were found in a shop located in Sogo Plaza in Senayan, right in the heart of Jakarta (Mokhammad Kaiyis, 2012), a stone's throw from LPPOM-MUI's office. These incidences further demonstrate LPPOM-MUI's incompetency.

Recently, there have been media reports that accuse LPPOM-MUI members of accepting bribes. In 2009, an investigation by Transparency International Indonesia revealed the quasi-systematic bribery that goes on in the organisation (Feillard & Madinier, 2011, p. 259). There was, however, no follow-up to this allegation. In February 2014, *Tempo* ran a series of articles detailing bribery linked to Amidhan and Lukmanul Hakim. *Tempo* reported that the two received bribes from a halal certification dealer based in Australia (*Tempo*, "The High Cost of Halal Labels," 25 February 2014). *Tempo* accused Amidhan of profiting from the halal certification in Australia because there were unaccounted for deposits recorded in his bank accounts. These transactions include A\$3000 transferred to his bank account in Australia on March 2013 and another transfer worth A\$10 000. Officially, halal certification authorisation overseas involves no fees, though officials involved can receive payments for transportation and

accommodation costs. The AHFS (Australian Halal Food Services) made these bank transfers to Amidhan. The AHFS feared that LPPOM-MUI would revoke its right to issue certificates (Kartika & Hidayat, 2014). By bribing Amidhan, AHFS officials hoped LPPOM-MUI would not revoke their license. Although LPPOM-MUI revoked AHFS's right to issue certificates, LPPOM-MUI allowed AHFS owners to re-group under a new name, Halal Certification Council.

According to El-Moueldy, the president of the Halal Certification Authority (another halal certification body based in Sydney), bribery is the fastest way for an overseas company of obtaining certification rights from LPPOM-MUI. In 2006, Moueldy led a delegation representing six Australian corporations to Jakarta to discuss joint co-operation over halal licensing in Australia. Between 2 and 8 April 2006, and seven LPPOM-MUI assessors came to Australia to conduct assessments on corporations to determine whether they followed the halal guidelines. These assessors requested A\$300 per diem for every person, and their visits were in the following order: to Perth, Melbourne, Sydney and Queensland. Moueldy recalled that at the end of the trip, he had to pay A\$26 000 to five of the officials (Ma'ruf Amin and Ichwan Sam had returned earlier), more than double what was originally agreed. He said that Amidhan received the highest payment compared to the other delegates (*Tempo*, "Praktek Haram Untuk Label Halal," 2014).

While officials are entitled to per diems, the crux of the problem is that there are no guidelines onto how much MUI representative can receive for undertaking overseas trips. Furthermore, there is an over-reliance on people-to-people ties

rather than procedures and standards in halal certification. The weaknesses in setting up clear procedures and standards allows for bribery, especially when an institution wants to expedite the halal certification process.

LPPOM-MUI members did not make any substantive clarification when refuting *Tempo's* allegations. Instead, Amidhan and Lukmanul Hakim attacked El-Moueldy and the owners of *Tempo*. The March 2014 edition of *Suara Islam* defended MUI members carrying this headline: "Smear Campaigns towards MUI is an Attack on Islam" (*Suara Islam*, "Tempo Anti Islam: Membusukkan MUI Menyerang Islam," 14-28 March 2014). Amidhan refuted all allegations, claiming that Moueldy had slandered him (*Tempo*, "Amidhan Shahberah: I can Accept Gratuity," 2014). Amidhan claimed he had the right to receive a gratuity because he was no longer a civil servant.²⁰⁰ Tellingly, MUI chairman, Din Syamsuddin did not issue a statement defending Amidhan throughout the controversy. In the same vein, some MUI leaders I spoke to decline to defend those members involved in the scandal.²⁰¹

The end for LPPOM?

In this study, I argue that MUI relies on societal conservatism to add political force to its lobbying the state for MUI's dominance over aspects of Muslim affairs. The LPPOM-MUI scandals, however, have dented its appeals for sole authority over halal certification. LPPOM-MUI's striving for a monopoly over halal certification, so far, has not waned. LPPOM-MUI leaders continue to lobby

²⁰⁰ Amidhan had been a former director-general for the Haj affairs in KEMENAG before he retired in 1996 to join MUI.

²⁰¹ Conversations with senior MUI member.

politicians from all sides of the political spectrum to support their aims. In 2012, a MUI board member, Amidhan, along with LPPOM-MUI director, Lukmanul Hakim, went to PKS to garner support for the passing of the long overdue Halal Certification Bill. Amidhan said, "It would be better that the new bill would not allow any other body other than MUI to issue halal certificates. If the government wants to participate in halal certification, they should participate in post-certification process" (*Republika dan Pelita*, "MUI Tetap Menginginkan Wewenang Sertifikasi Halal," 14 February 2012). On 3 April 2013, *The Republika* reported that Ma'ruf Amin, Amidhan and Umar Shihab sought an audience with President Yudhoyono to expedite the Halal Certification Bill in the DPR (*Republika Online*, "Temui SBY, MUI Perjuangkan RUU Jaminan Produk Halal," 3 April 2013). Although President Yudhoyono gave this authority to LPPOM-MUI solely, the final decision rested with DPR members. In the DPR, LPPOM-MUI also sought the support of the PKS and PAN (Partai Amanat Nasional or Indonesian National Mandate Party (PAN). LPPOM-MUI also extended their campaign for halal certification monopoly status to the public. It reminded the public of its contributions to the 1999 Ajinomoto case. Lukmanul Hakim said Indonesians must not forget LPPOM-MUI's role in protecting the Muslim community during the 1988 food crisis (Febrianindya, 2012).

Two rounds of discussion regarding the halal certification bill have been held in two separate DPR sessions (2004-2009 and 2009-2014). It was only in September 2014, during the final days of the 2009-2014 session, that the bill was passed. MUI's role was expanded from the original bill. The law states that MUI has authority to accredit halal supervisory bodies (Hukum Online.com,

2014). However, the law affirmed that BPJPH (Badan Penyelenggara Jaminan Produk Halal or Halal Accreditation Body), a body that answers directly to Kemenag, has the authority to determine halal standards, issue halal certificates, and revoke certificates. MUI's role is restricted to issuing fatwas. MUI is again denied the lucrative part of the whole process, which it has always wanted: issuing halal labels.

Despite its failings on the domestic front, LPPOM-MUI could still rely on international markets to generate income from halal certification. It has been active certifying products manufactured in China.²⁰² There are a number of international companies exporting their products to Indonesia and other parts of the Muslim world, requesting LPPOM-MUI's assistance. LPPOM-MUI, however, faces strong competition from ulema institutions in Malaysia (JAKIM) and Singapore (MUIS). Both JAKIM and MUIS are ahead of MUI in the halal certification business. On the 16 August 2004, the Malaysian government launched the MIHAS (Malaysia International Halal Showcase). In his address during the launch entitled, "Window to the Global Halal Network" the Prime Minister then, Abdullah Badawi, pointed out the government's priority was to establish a global halal network (Fischer, 2008, p. 223). In September 2014, Singapore's MUIS (through *Warees Halal*) signed a landmark deal with a Japanese in-flight catering company, TFK Corporation, which certifies its catering in Narita Airport in Tokyo (Norhaiza, 2014).²⁰³

²⁰² I made this observation during my attendance in one of the fatwa meetings for halal certification.

²⁰³ LPPOM-MUI officials said that there was strong competition between the three countries. They constantly pointed out how the halal standards administered by JAKIM in Malaysia were too "lenient" and "not meticulous" by LPPOM-MUI's standards. LPPOM-MUI sees Malaysia's

All in all, LPPOM-MUI's capture does not match the success of DSN-MUI. While it has made inroads securing important business deals with international companies, it continues to struggle to monopolise halal certification in Indonesia. LPPOM-MUI's image has been hit by recent scandals involving its leaders, though the institution has not collapsed. These scandals only provide excuses for the state to deny LPPOM-MUI's claim for monopoly in the halal certification process. LPPOM-MUI authors its own low public trust which limits capture.

Dominating the religious discourse

Scholars and Indonesian activists often point to MUI's 2005 SIPILIS fatwa—referring to secularism, pluralism, and liberalism as deviant ideologies—as an example of MUI's attempt to situate itself as the judges of religious piety (see for instance Gillespie, 2007).²⁰⁴ I agree MUI wishes to have the final word on religion. Through issuing this fatwa, the members of the MUI Fatwa Commission wanted to stamp their authority on judgements of "correct" Islam. As shall be described in this section, MUI members have requested the Susilo Bambang Yudhoyono government ban the Ahmadiyah sect and restrict Shiism. They have also urged Indonesian Muslims to be beware of liberal Islam, who they see as promoting Western values. In the following paragraphs, I discuss how MUI sought to dominate the religious discourse in Indonesia. I argue that

national halal certification body, JAKIM, as a rival in striving to be the leading halal certification body in the world.

²⁰⁴ The activists I interviewed during fieldwork pointed this out.

MUI has made inroads in getting the state to ban the Ahmadiyah, but has been struggling to restrict Shias and liberal Islam. MUI's failures result from internal fragmentation and its inability to mobilise a Muslim majority to support their cause.

Restricting the Ahmadiyah

Followers of the Ahmadiyah sect have peacefully co-existed with other Indonesians for decades. Their presence in Indonesia was noted as early as 1925 and their numbers have grown exponentially since then. In 2008, Kemenag estimated there were 50,000 to 80,000 Ahmadiyah followers in Indonesia (M. Crouch, 2009, p. 5). The Ahmadiyah population is too small compared to the 240 million Muslims living in Indonesia for one to consider them a threat to mainstream Islam.²⁰⁵ Nevertheless, between 2004 and 2014, MUI members were calling the Susilo Bambang Yudhoyono government to ban the Ahmadiyah. While the state did not heed MUI's requests, MUI made inroads thwarting Ahmadiyah followers from spreading their faith. One reason why MUI was successful in getting Ahmadiyah restricted was MUI members unity. MUI was also able to garner the support of other radical Islamic groups, Bakorpakem (The Coordinating Board for monitoring mystical beliefs in society or Badan Koordinasi Pengawas Aliran Kepercayaan Masyarakat), and several cabinet ministers.²⁰⁶

²⁰⁵ The early followers of the sect originated from India in the mid-1800s. Its founder, Mirza Gulam Ahmad, was an Islamic reformist and missionary. Resulting from a split in 1880, the Ahmadiyahs divided into two groups: the Lahore group and the Qadiani group. The former was founded by Muhammad Ali Lohor and considered a moderate group. This group sees Gulam Ahmad as a reformer, and not a prophet. Mainstream Islam holds that the last Prophet is Muhammad who died in 632. The Qadiani group is deemed more controversial than the Lahore group because the group sees Gulam Ahmad as a prophet (M. Crouch, 2009, p. 4).

²⁰⁶ The Suharto government established the Bakorpakem in 1994 and allowed officials from the Attorney General's Office (*Kejaksaan Agung*), Indonesian military, National Police, KEMENAG

On 1 June 2008, about 400 radical Muslims attacked an AKKBB (Aliansi Kebangsaan untuk Kebebasan Beragama dan Berkeyakinan or Nationalist Alliance for Religious Freedom and Belief) march. The demonstration took place around MONAS (National Monument) in Jakarta. The AKKBB, which included representatives from 70 organisation, was endorsing the rights of religious minorities, especially the Ahmadiyahs, to practise their religions freely in line with the principles of Pancasila (M. Crouch, 2009, p. 12). The groups which conducted the attack on AKKBB included HTI (Hizbut Tahrir Indonesia or The Liberation Party of Indonesia), FPI, and FUI (Forum Umat Islam or Islamic Forum), LIPPI (Lembaga Penelitian dan Pengkajian Islam or Islamic Research and Study Institute) and KLI (Komando Laskar Islam or Islamic Para-military Command). The attack left 70 AKKBB protesters injured.

Scholars, human rights activists, and journalists have linked MUI's 2005 fatwa to the radical Muslim group violence towards the Ahmadiyah, including the attack in 2008 (Abdul Khalik, 2008; M. Crouch, 2012; Human Rights Watch, "Indonesia: Reverse Ban on Ahmadiyah Sect," 11 June 2008). During the Seventh MUI MUNAS held between 26 and 29 July 2005, MUI declared Ahmadiyah a deviant sect and called on the state to ban it. Nevertheless, to link this fatwa to the violence is far fetched because MUI's position towards Ahmadiyah has been consistent for decades, since the 1980s. On 1 June 1980,

and Home Ministry to head the body. The state gave the Bakorpakem the task of mediating between different groups in the conflict. The state placed this co-ordinating board under the attorney general and included representatives from ormas and MUI.

MUI issued a fatwa declaring the Ahmadiyah Qadiani deviant.²⁰⁷ MUI Chairman, Professor Hamka, and Secretary Dr H Kafrawi signed the fatwa. The fatwa states that:

Based on the data and facts seen in nine books about the Ahmadiyah, the Majelis Ulama Indonesia declares that the Ahmadiyah sect is out of the fold of Islam. In handling the Ahmadiyah issue, MUI needs to work closely with the state (Majelis Ulama Indonesia, 2011a, p. 40)

The state, however, did not act on the fatwa although Alamsjah Prawiranegara, as the Minister of Religious Affairs, agreed with it. Four years after issuing it, MUI stepped up its efforts to have the Ministry of Justice ban Ahmadiyah. On 7 March 1984, MUI issued a statement during MUI Rapat Kerja Nasional (National Working Convention) urging all Muslims to pressure the state to ban Ahmadiyah.²⁰⁸ The statement also called on all district MUIs to explain to Indonesian Muslims the nature of Ahmadiyah's deviancy. The statement also urged those who had converted to Ahmadiyah to return to the true Islamic teachings. MUI also advised Muslims to be vigilant and not be easily influenced by deviant groups such as Ahmadiyah (Majelis Ulama Indonesia, 2011a, pp. 40-41). In the 1980s, MUI members stood united on the Ahmadiyah issue. However, the Suharto government continued to ignore MUI's appeals (Ismatu, 2010, p. 300). Far from banning the group, in 2003, the Home Affairs Ministry recognised Ahmadiyah's right to exist.

²⁰⁷ This can be generalised to the attitude of Muslims in the Southeast Asian region as a whole. Ahmadiyah has never been seen as part of the mainstream. This fatwa only refers to Ahmadiyah Qadiani as deviant, and does not mention the Lahore group.

²⁰⁸ The statement suggests the government's inaction towards the Ahmadiyah has led to uneasiness amongst Indonesian Muslims (Majelis Ulama Indonesia, 2011a, p. 41). The statement also indicated that the ideas promoted by the Ahmadiyah followers were threatening the sanctity of Islamic rituals and posed security problems. Hence, MUI urged the state to retract its seemingly neutral attitude towards the Ahmadiyah.

The 2005 Ahmadiyah fatwa only restated the Fatwa Commission's 1980 one. The only difference was that the 2005 fatwa conflated the Qadiyani and Lahore Ahmadiyahs as one. Also, MUI's demands for the state to ban the sect were stronger than those of the 1984 statement. The 2005 fatwa, signed by Ma'ruf Amin, and the Fatwa Commission Chairman, Hasanuddin, demanded, "The state must (*berkewajiban*) stop all attempts to spread Ahmadiyah teachings throughout Indonesia, freeze all organisations associated with the sect, and close all the places where their activities are conducted" (Majelis Ulama Indonesia, 2011a, pp. 98-99).

The coincidence of the issue of the fatwa and violent attacks on Ahmadiyah led some scholars to assume MUI's fatwa wielded significant influence on the Indonesian state and Muslims (Olle, 2005, p.106). Preston (2012) states MUI influenced greatly the state's treatment of Ahmadiyah. In discussing Indonesian Islam post-Suharto, Preston attributes "the rise of MUI" and MUI becoming "politically relevant" (p.167). Preston describes MUI as supporting the conservative agenda during the relatively weak political leaderships under presidents Megawati and Susilo. Similarly, Efendi (2011) argues that MUI has affected the government's decision on the Ahmadiyah controversy because the state has allowed MUI into the negotiating party to determine and supervise the activities of the Ahmadiyah group.

I consider Preston's and Efendi's arguments for MUI's rise overstated, but it is true MUI members have been lobbying politicians, and galvanising other radical Islamic groups, to pressure the state to ban Ahmadiyah. Since the 2005 fatwa,

MUI leaders have not softened their denigration of Ahmadiyah. On the 6 November 2007, MUI issued the "Guide for identifying Deviant Belief Streams" or *Pedoman Identifikasi Aliran Sesat*. The guide provides 10 criteria that can help distinguish deviant sects from the correct Islam. Moch Nur (2012, pp. 172-173) sums up these 10 criteria as follows: rejecting the pillars of faith and pillars of Islam; believing and/or following a belief as incompatible with shariah; believing that there is revelation after the Quran; rejecting the authenticity and/or the truth of the contents of the Quran; interpreting the Quran without relying on the correct principles of translation; rejecting the Prophetic tradition as a source of Islamic teachings; disrespecting, disgracing and/or downgrading the prophets and messengers of God; rejecting Muhammad as the final prophet; changing the principles of devotion established by shariah; and accusing other Muslims of lack of belief not based on shariah.

In 2008, an agreement between the state and Ahmadiyah was reached to resolve the conflict. On the 14 January 2008, senior members of the Bakorpakem and representatives from Ahmadiyah signed a 12-point agreement. The agreement guaranteed the Ahmadiyah group would not face any legal challenges or be disbanded but they must accept Prophet Muhammad as the last prophet. Among the state leaders who participated in the signing of the agreement were the Religious Affairs Minister Maftuh Basyuni, Home Affairs Minister Mardiyanto and Attorney General Hendarman Supanji (Human Rights Watch, "Indonesia: Reverse Ban on Ahmadiyah Sect," 11 June 2008). Following the agreement, Kemenag and Home Affairs Ministry then issued an SKB (Surat Keputusan Bersama or Joint Ministerial Decree) that restricted Ahmadiyahs

from spreading their faith to others, though they were allowed to practice privately (Platzdasch, 2013, p. 231). Bakorpakem gave the Ahmadiyahs three months to demonstrate their commitment to the 12-point agreement and SKB, and the police would closely monitor Ahmadiyah followers ensuring the agreement was honoured (Preston, 2012). Three months later, the Bakorpakem recommended that the president dissolve Ahmadiyah for violating the 12-point agreement. Nevertheless, the president refused to ban Ahmadiyah, even though he had the powers to do so under the Blasphemy Law No1/1965.

To what extent did MUI's fatwa on the Ahmadiyahs—issued in the 1980s and again reiterated in 2005—influence the state's decision? On one hand, the Kemenag heeded MUI's fatwas by not recognising Ahmadiyahs as Muslims. The state has also moved to restrict Ahmadiyah from proselytisation activities. Moreover, MUI representatives were also included as part of the negotiating party in formulating the 12-point agreement between Bakorpakem and Ahmadiyah, a recognition of its role in the crisis. MUI through Bakorpakem were making great strides in asking the state to ban Ahmadiyah so much so that Widodo Adi Sucipto, the then Coordinating Minister for Political, Legal and Security Affairs, said that the decree for Ahmadiyah's banning was drafted by Kemenag, Home Ministry, and Attorney General's Office (Desy, 2008).

Yet, the state's move noted in the previous paragraphs was not in response to MUI's fatwa because other radical groups such as the HTI, FUI and DDII were also making the same demands (Platzdasch, 2013, pp. 225-226). Furthermore, Muslims in Indonesia, and in other parts of the Muslim world, generally doubted

Ahmadiyah, whom they considered not part of mainstream Islam. Their attitude towards Ahmadiyah was different from their attitude towards the Shias, where Muslims around the world are divided about the sect's status in Islam (discussed below). MUI's position also found sympathisers within the cabinet, and they include Suryadharma (Ali Religious Minister), Gamawan Fauzi (Home Affairs Minister), and Sudi Silalahi (State Secretary). It was much easier for MUI, and the other radical groups, to demand the state disband Ahmadiyah on religious grounds.²⁰⁹ MUI ulema were nearly able to control the Ahmadiyah issue because conservative public sentiment was generally unsympathetic towards the Ahmadiyahs.

There were several reasons why President Yudhoyono did not ban the Ahmadis. The Wantimpres did not support the banning of Ahmadiyah and its members argued that the ban was unconstitutional and went against the principles of Pancasila that respects freedom of religion. Wantimpres's collective decision not to ban Ahmadiyah clearly marginalised one of its members' views, Ma'ruf Amin, who had been highly critical of the state's inaction on the Ahmadiyah (Olle, 2005, p.106). Ma'ruf was the only MUI representative in the Wantimpres. Apart from the Wantimpres's decision, other considerations prevented President Yudhoyono from banning them outright. Pressures from human rights groups; international NGOs; the president's desire to maintain the status quo; and his indecisiveness, also worked against a ban on Ahmadiyah.

²⁰⁹ In fact, many progressive Muslims in Indonesia argue for Ahmadiyah's right to practice their faith based on the principle of religious freedom. Seldom do they make the case that Ahmadiyahs are part of Islam.

Nevertheless, President Yudhoyono's failure to condemn MUI and other radical groups outright did not deter violence towards the Ahmadiyahs. Since the MONAS incident, there have been other significant attacks on Ahmadiyahs in Indonesia: 2008 in South Sumatra; 2011 in East Java and Banten, West Java. In the 2011 Banten attacks, disturbing video footage showed attacks killing at least three followers and severely injuring five others. The attacks were carried out following MUI Banten fatwa on Ahmadiyah (Moch Nur, 2012, pp.178-182).

Declaring Shias as deviants

While MUI has some influence restricting the Ahmadiyahs from any form of proselytisation, the Shia controversy demonstrates the bounds of MUI's influence. A similar MUI demand for the state to restrict Shiism fell on deaf ears. The Shia controversy began on 29 December 2011, where a mob of local villagers and radical Islamic groups torched several houses, hamlets, and madrasahs in Sampang (Madura, East Java). The mob burnt a religious teacher and Shia, Tajul Muluk's house and pesantren. Some commentators regarded the controversy as a family dispute between two brothers.²¹⁰

Civil rights activists, by contrast, thought that religious mistrust among Sunnis and Shias triggered the conflict (Platzdasch, 2014, p. 3). International human rights groups linked East Java MUI's fatwa to the subsequent violence on Shias and Tajul's arrest (*Human Rights Watch*, "In Religion's Name," 28 February

²¹⁰ Roisul Hukama was outraged that a woman he wanted to wed was persuaded by Tajul to become a Shia. The East Java government called on East Java MUI representatives to act as a mediator, and advised Tajul not to continue proselytising.

2013; *Amnesty International*, "Indonesia: Release Tajul Muluk and resolve situation of evicted Shi'a community in East Java," 17 June 2014). On 1 January 2012, East Java MUI issued a fatwa pronouncing Tajul's teachings as Shia and deviant. East Java MUI also led the *Gerakan Umat Islam Bersatu* (Movement of United Muslims)—an alliance made up of 40 anti-Shia groups in East Java—to pressure the East Java government to ban Shiism.

The East Java government later bowed to pressure from these radical groups. On the 12 July 2012, the East Java police charged and jailed Tajul for two years for blasphemy. Tajul's arrest did not prevent further attacks on Shias. On 26 August 2012, a mob attacked Tajul's followers in Sampang. The mob targeted Shia students who returned to the village during a holiday. The attack claimed two fatalities and burned down thirty-five houses. Two hundred and twenty Shias evacuated their villages and temporarily stayed at a nearby tennis stadium in Sidoarjo, some 100 kilometres away. The then Religious Minister Suryadharma Ali said solving the violence towards Shias involves converting them back to Sunni Islam (Aritonang, 2012).

The ulema from central MUI regarded the Shia issue as a local one and felt that East Java MUI had the right to declare Shias deviant.²¹¹ In 1984, the central MUI fatwa commission issued a ruling critical of Shiism but did not call for the sect's banning. The fatwa, signed by Ibrahim Hosen and Musytari Yusuf (Majelis Ulama Indonesia, 2011a, pp. 46-47), urged Muslims to understand the differences between Sunnis and Shias, and to be vigilant so that Shia teachings

²¹¹ This is what I gathered from conversations with MUI leaders at the MUI office.

did not become widespread in Indonesia. During the New Order period, there was no reported violence against Shias.

Some contemporary MUI members have spoken against the sect. The so-called "anti-Shia" camp in MUI had openly requested the state ban Shias. Ma'ruf Amin is one of MUI leaders who publicly stated he did not agree with Shia teachings. Ma'ruf neither condemned the East Java MUI fatwa, nor called for the fatwa to be retracted. He did not rule out the Shia issue being raised at the MUI Fatwa Commission in the future (*Antara*, "MUI: Syiah jangan diperlakukan kasar," 16 January 2012).²¹² In 2013, Ma'ruf, Ichwan Sam, and two other MUI leaders, Amirsyah and Yunahar Ilyas, published *Mengenal dan Mewaspadaai Penyimpangan Syi'ah di Indonesia* (Identifying and Beware of Shia's Deviance in Indonesia). The book was written in a rather alarmist tone. The writers' attitude to Shiism was more conservative than MUI's 1984 fatwa (Ma'ruf, Yunahar, Ichwan, & Amirsyah, 2013). The book listed websites associated with Shiism and international organisations sympathetic to Shia teachings, warning Indonesian Muslims to avoid them. Although several central MUI leaders wrote the book it referred mainly to fatwas issued by MUI branches in Aceh (2009) and East Java (2012) (p.102-130). These provincial MUIs issued fatwas condemning Shias of engaging in deviant and dangerous activities.

The authors chose to include provincial MUI fatwas was because the central commission had not issued a fatwa declaring Shias deviant. On the contrary, some MUI leaders, including those from the Leadership Board, had publicly

²¹² Interview with Maaruf Amin, 3 December 2012

approved Shiism as a mainstream Islamic religion. These differences resulted in name-calling among MUI leaders. For instance, Cholil Ridwan accused his fellow MUI board member, Umar Shihab, of being a Shia sympathiser (*Voice of Al-Islam*, "Ustadz Cholil Ridwan Akui Umar Shihab Pembela Utama Syiah di Forum Internal MUI," 9 April 2012).²¹³ In 2014, Ma'ruf Amin admitted that the MUI Fatwa Commission had not issued a sterner fatwa than the 1984 one because MUI is occupied by "SUSI"—Sunnis sympathetic to Shiism (Shodiq, 2014). To be sure, the anti-Shia camp faced strong resistance from progressives within the institution such as Din Syamsuddin and the late Sahal Mahfuz. The anti-Shia camp did have an alternative power base to ban Shiism, however, as it had supporters within President Yudhoyono's Cabinet. One of them was Suryadharma Ali. *The Jakarta Post* reported that Suryadharma had supported the forced conversion of Shias to Sunnis in Sampang (Aritonang, 2013).

MUI's internal fragmentation on the Shia issue

Scholars and journalists tend to exaggerate MUI's influence and pay little attention to the dynamics within central MUI. They also fail to address the complex relationship between central MUI and MUI branches in the provinces. One example is the attention given to MUI's 2005 SIPILIS fatwa. In issuing this fatwa, scholars and journalists held MUI responsible for triggering the attacks on minority groups such as liberals, Ahmadiyahs and Shias. Chiara Formichi, an Indonesian studies expert based in the University of Hong Kong, said

Many scholars and observers have pointed to the increased weight carried by MUI's 'advice' since 2005, and its role in shaping a well delimited form of

²¹³ Umar's brother, the prominent exegete and ulema Quraish Shihab, has written books defending Shiism.

'acceptable Muslim behaviour' moulded on a Sunni paradigm has become evident with the anti-Ahmadiyah attacks first, and the anti-Shi'a violence now.²¹⁴

Ahmad Suaedy, from the Wahid Institute, expressed the same view of MUI's 2005 fatwa. He remarked

President Yudhoyono opened the 2005 MUNAS. MUI issued eleven fatwas in all and this included the fatwa on anti-pluralism, secularism and liberalism, known as SIPILIS. In 2008, three ministers issued the Ministerial Decree on Ahmadiyah. All these decrees were based on the MUI fatwa that led to intolerance and anti-Ahmadiyah.²¹⁵

In reality, MUI is fragmented. The writings of MUI leaders, such as the late Sahal Mahfuz, and members of the MUI advisory board, such as Nasaruddin Umar, Quraish Shihab, and Azyumardi Azra, suggest their appreciation of religious freedom and diversity. During my interview with Nasaruddin Umar, he agreed society should not blame MUI for issuing conservative fatwas, these hard-line fatwas come from only a segment within the institution. He suggested analysts should attribute conservative views to specific individuals in MUI.²¹⁶ In 2012-2013, I noticed these differences in many of my interactions with MUI ulema. Some confided in me they disagreed with other members, including on the Shia issue.

²¹⁴ See interview with Chiara Formichi. http://liveencounters.net/?page_id=5705. (Date Accessed 2 October 2014). The same can also be said of the contradictory positions taken by NU Pusat and NU Sampang: NU Sampang has declared Shias deviant, but this does not represent the views of central NU. For example, the Vice-Secretary General of NU Hanief Saha Ghafur disagreed with Shias being deemed deviant. He was quoted in the media, "Shia is not worse than the Jews" (Afrilia, 2012).

²¹⁵ Interview with Ahmad Suaedy, Coordinator Abdurrahman Wahid Centre for Inter-Faith Dialogue and Peace-Universitas Indonesia (AWCentre-UI), 4 January 2013.

²¹⁶ Interview with Nasaruddin Umar, Vice-Minister of Religion, 7 December 2012

Furthermore, there are ulema and Muslim intellectuals—both within and outside MUI—who are sympathetic towards Shiism. The current MUI Chairman, Din Syamsuddin, has condemned any form of discrimination against Shias (Kompas, "Din: Muhammadiyah Keberatan Fatwa Sesat Syiah," 7 September 2012). NU General Chairman, Said Aqil Siroj, even said that the religious orientation of majority Indonesian Muslims carries a strong Shia influence.²¹⁷ According to Said Aqil, who sits in MUI's Advisory Board,

Culturally, there is a significant Shia influence in our religious practices. These include the community's attitude towards our religious leaders and the celebration of the prophet's birthday. Our religious rituals such as the *berzanji* (chanting) do not include praises to the three caliphs- Abu Bakar, Umar and Uthman [a common practice in many Shia circles]... many of the rituals include praises to the family members of the Prophet [essentially a practice in Shiism]. Shia Muslims carry out rituals such as kissing the hands of the family members of the prophet, and visiting the graves of pious Muslims. In fact, we have adopted many words of the Persian language.²¹⁸

The Shia-sympathetic views of these ulema weaken the authority of the anti-Shia camp in MUI. As Mun'im (2013) has pointed out, controversial fatwas issued by MUI only invites criticism from progressives. It also provokes effective counter discourses more powerful than those promoted by MUI ulema.

Silencing liberal Muslims

Some MUI members have also attempted to prevent liberal Muslims from speaking on Islamic matters. They consider liberal thinkers as not having the authority, knowledge, and skills to speak on Islamic matters. One case occurred in November 2007, in which MUI was rumoured to have persuaded Kemenag to cancel a talk by Nasr Hamid Abu Zayd, an Egyptian born scholar. He was scheduled to speak in a seminar in Malang (East Java) and at the Annual

²¹⁷ Interview with Said Aqil Siroj, 2 March 2013.

²¹⁸ Ibid.

Conference on Islamic Studies in Riau. Islamic scholars in Egypt regarded Abu Zayd as a liberal, based on his method of interpreting the Quran. In the 1990s, the Egyptian courts had declared Abu Zayd an apostate and he had to spend the rest of his life living in exile in the Netherlands.

Later, Kemenag, by order of the Religious Minister Maftuh Basyuni, cancelled Abu Zayd's talk in Malang. Earlier, the Riau government barred him from attending the scheduled conference in Riau after the province's MUI branch argued he should not attend (*The Jakarta Post*, "Ministry was told to keep me out, says Egyptian scholar," 27 November 2007). Abu Zayd later accused the Indonesian religious minister as having caved in to MUI's pressure. Abu Zayd said he had received an SMS stating that MUI had pressured the Kemenag to cancel his talks (*The Jakarta Post*, "Ministry was told to keep me out, says Egyptian scholar," 27 November 2007).

However, he did not say whether it was the MUI in East Java or central MUI that pressured the Kemenag. Central MUI did not issue any official statement about Abu Zayd's banning. In contrast, Din Syamsuddin, under his capacity as Muhammadiyah chairman (he was the MUI Vice-Chairman then), expressed his concern over Kemenag's decision to ban Abu Zayd. The *Jakarta Post* quoted Din as saying, "His visit should have been used for *tabayyun* (clarification) with Abu Zayd to find the truth about his Islamic thoughts" (Muhammad Nafik, 2007). Hence, there is no evidence to show it was central MUI who rejected Abu Zayd's presence in Indonesia.

It is possible that the Kemenag decided to ban Abu Zayd's talk because the organisers had already circulated the details about it to the public. Kemenag feared this may invite radical groups to create another controversy. Had there been less publicity for Abu Zayd's talks, Kemenag might have allowed it. For instance, Kemenag did not prevent the equally controversial Islamic studies professor, Professor Amina Wadud, from speaking at the *International Conference, Debating Progressive Islam: A Global Perspective* organised by UIN Jakarta. The conference was held between 25 and 27 July 2009 but was not well-publicised (Irma, 2009). Amina is a prominent gender rights activist who, similar to Abu Zayd, had applied the hermeneutical approach in her study of Islamic texts. In 2004, Amina invited condemnation from conservative Islamic scholars around the world for leading Friday prayers in which men participated. Conservative Muslims are adamant that only men can lead Friday prayers.

While it remains unclear to what extent MUI was involved in Abu Zayd's banning, it is obvious that MUI members oppose liberal Muslim groups in Indonesia. The 2005 SIPILIS fatwa condemned liberal Muslims and one of the groups targeted was JIL (Jaringan Islam Liberal or Liberal Islam Network). Concerned liberal Muslims understand religious texts (namely the Quran and the Sunnah) through reason, MUI members accuse them of only accepting religious doctrines that parallel their thinking. Related, they regard liberals as being similar to the secularists who separate worldly matters from religion (Majelis Ulama Indonesia, 2011a, pp. 91-92). Yet, ormas leaders challenge hard-line members of MUI by saying that if one continues to cite religious

traditions and text, then the person cannot be a liberal. Said Aqil Siraj, for instance, has disagreed with MUI's SIPILIS fatwa. He said

As long as the person quotes a verse from the Quran, the person is not liberal Islam. Maybe, there are only differences in terms of interpretations. As long as when he thinks and writes and he refers to the Quran that is not liberal. Indonesians are not liberal.²¹⁹

Thus, the SIPILIS fatwa indicates the Fatwa Commission's rejection of Islamic liberal thoughts. However, MUI has not been able to prevent the liberal Islam thinkers from speaking in the religious domain. Unlike the Malaysian case which I discuss later, MUI seems to be concerned if the talks by liberal Muslims are well publicised and this may provoke unrest. This is not the case in Malaysia, where official ulema closely monitor liberals even though talks are not open to public. Ironically, members of MUI's advisory board include progressives Quraish Shihab, Said Aqil Siroj, Bachtiar Effendi, and Azyumardi Azra.

Moralising media and entertainment

MUI has always wanted to control the way people think and how they behave in public. It wants the state to curb pornography from being widespread in society, and yearns the media and entertainment industry conform to Islamic principles. It also has requested the state to formalise its role as a moral "watchdog." In 2001, the MUI Fatwa Commission issued a ruling warning Muslims of the dangers of pornography and "porno-action," which it collectively defines as "erotic behaviours" in the form of "paintings, images, writings, voices, advertisements, and speeches" (Majelis Ulama Indonesia, 2011a, pp. 416-417). The 2001 fatwa

²¹⁹ Interview with Said Aqil Siroj, 2 March 2013.

also refers to other "sexually suggestive" acts or "tight-fitting" clothing as pornography and porno-action as (pp. 416-417). The fatwa forbids images of men and women dressing immodestly according to Islamic standards (not covering their *aurat*) from being circulated.²²⁰ Other behaviours it classifies as pornography and porno-action include: *khalwat* (un-married couple caught for being in a secluded place); filming sexual intercourse; and encouraging unmarried couples to have intercourse (p.417). Since the 2001 fatwa, MUI lobbied the DPR to pass anti-pornography bill. It intensified its campaign in 2006, after the American adult-magazine, *Playboy*, planned to sell its Indonesian version. In 2008, the DPR eventually passed the anti-pornography bill; but is this enough to satisfy MUI's requests?

Arguably, MUI felt the fatwa was not sufficient, as its ultimate goal is to have authority in monitoring public morality. It wants the state to accord it authority to censor films, publications, songs, and clothing. The following paragraphs suggest that MUI's attempt to obtain state recognition as moral "gatekeepers" has met with mixed outcomes. On the one hand, it was successful in getting the DPR to pass the Law of Pornography and Porno-action in 2008. Since then, some ministries, media companies, and international artists have voluntarily consulted MUI whether their proposals—for concerts and television programs—meet Islamic requirements. On the other hand, MUI faced two setbacks. First, the state did not incorporate most of MUI's requests into the 2008 Pornography Law. Second, the state ignored MUI's requests to have a role in censoring

²²⁰ It specifies that men must cover their bodies at least between the navel and their knees; while women must cover their bodies except for their face and palms.

textbooks, films, arts, and entertainment. These setbacks, however, do not prevent MUI from targeting artists and models for defying its moral standards.

The section will first examine MUI's contribution that leads to the passing of the 2008 anti-pornography bill. While the final bill incorporated several provisions from MUI's 2001 fatwa, it was not as stringent as what MUI had hoped for. It dropped the word "porno-action" and excluded the most important part of MUI's request: a definition of its role. This will be followed by a discussion on MUI's attempt to determine "moral entertainment." MUI members have publicly criticised artists (local and international) and models they see as promoting porno-action, and expect these artists or models to consult them before having any concerts or participating in beauty pageants. The section will close with an examination of MUI's strategy to assert its role. It attempts to apply Pancasila to its struggle have been futile.

MUI's contribution to the Anti-Pornography Bill 2008

In 2008, the DPR passed the Anti-Pornography Law (No 44/ 2008). The main reasons for the passing of the law were to educate and raise the moral standards of the community, to set legal guarantees to protect women and children, and to protect "commercialisation" of the sex industry (Dewan Perwakilan Rakyat, 2008). The law outlines sanctions for those propagating pornography.²²¹ In line with MUI's fatwa, Article 17 of the law indicates that the state has the right to prevent the making, distribution, and the usage of

²²¹ As at 2014, only one person has been charged under the law. In 2009, Indonesian *Playboy* editor, Erwin Arnada was to sentenced two years imprisonment for violating public morality. The magazine was also discontinued (Moch Nur, 2013, p.76).

pornographic materials in public (Dewan Perwakilan Rakyat, 2008, p.5). The law also forbids displaying nude images in public and downloading pornography from the internet. The law broadly mentions that the state, social institutions, educational institutions, religious institutions, families and the community should be involved in curbing pornography.

Before the law was passed, MUI was active in lobbying the DPR to conclude the law. It also rallied other radical Islamic groups to support its cause. In 2002, MUI established Anti-Pornography Community Alliance in order to eradicate pornography (*Antara*, "Anti-Pornography Alliance Established," 7 May 2002). The DPR ignored the alliance's demands. Unimpressed by the state's and DPR's inaction, in February 2006, Ma'ruf Amin gave the DPR up to June that same year to conclude the bill (*Antara*, "MUI sets deadline for passage of pornography, porno-action bill," 18 February 2006). On Sunday 26 March 2006, MUI held a rally at MONAS in protest of the state's inaction. The rally was participated by Hizbut Tahrir, DDII, and MMI (*Antara*, "Thousands Hold Rally to support RUU APP be passed soon," 26 March 2006).²²² While the state asked MUI to help draft the anti-pornography bill, it delayed MUI's repeated requests for the anti-pornography bill be concluded.

In 2008, MUI could claim victory when the state passed the bill.²²³ All the while, MUI not only face rejection from the state, but also stiff opposition from several

²²² These radical groups were not the only ones who pushed the state to pass the anti-pornography bill. The struggles was also joined by other influential ulema, one of them was popular preacher Aa Gym. See Hoesterey, 2013.

²²³ The proponents of the bill include the conservative members of the DPR, such as the PKS. Central MUI's efforts to get the bill passed mirrors the efforts of provincial MUIs, which

political parties and cultural activists. Members of the PDI-P (Partai Demokrasi Indonesia-Perjuangan or Indonesian Democratic Party of Struggle) and PDS (Partai Damai Sejahtera or Prosperous Peace Party) were against the bill. These parties boycotted the DPR during the voting of the bill (Abdur, 2010, p. 121). Also absent during the vote were regional leaders from Bali, North Sumatra, Southeast Sulawesi and Papua, who felt that the bill threatened their culture and traditions. In these societies, where Hinduism is a dominant religion, it is common and acceptable for paintings, sculptures, and carvings to depict nudity.

However, MUI was not happy that the law was cut to only 45 clauses, half of what was originally tabled in the DPR. The law only sought to prevent pornography strictly, and excluded MUI's depiction of porno-action such as clothing, kissing or close-proximity of non-married couples (Moch Nur, 2013, p.75-76). The law also make several exceptions to tourists, who can continue to wear swimsuits or revealing clothing when they are in Indonesia (Gelling, 2008). Most importantly, the law denied MUI's demands for a role to define public morality. The law also did not point out what role MUI will play in curbing pornography. Articles 20 to 22 of the law invite the society to help mitigate the spread of pornography and report to the authorities if they came across any violation of the law. It does not spell out any religious organisation's role (Dewan Perwakilan Rakyat, 2008, p.5). Ma'ruf Amin clearly voiced his

sponsored shariah-based ordinances. These provincial MUIs were supported by HTI, MMI (Majelis Mujahidin Indonesia or Indonesian Mujahidin Council), and FPI (Front Pembela Islam or Defenders' Front of Islam) (Abdur, 2010, p. 123).

disappointments after MUI's failure to influence the state's decision on this law.

He remarked that

MUI has never compromised on its position. In a plural country like Indonesia, all parties should not only think about their own interests. MUI will continue to give advice to the ummat. Whether the state will enforce our position is not within our powers. One example is the Pornographic Bill. Until today, the outcome of the Bill is different from our attitude (Ma'ruf, 2012, p. 72).

MUI indirectly expressed their hopes in the law during the 2009 Ijtima' Ulama. MUI felt that the state gave in to civil society groups who complained that the law infringes freedom of choice and expression. It was also upset that many of the contents of its fatwa were excluded from the final bill. It is not surprising that MUI has urged the state to revise the law, detailing the roles to the various state departments, such as the National Education Department, the Health Department, the Trade Department, the Industrial Department, Social Department, the Communication and Information Department, and Kemenag, will play (Majelis Ulama Indonesia, 2011a, pp. 922-924). MUI also reminded the state that the laws have to consider the spirit of sharia, ethics, and Islam. MUI wants its role in the new law to be as follows: to lead a research committee that censors reading materials and to be part of a select committee to recommend ways to restrict the distribution of pornographic materials (pp.922-924).

During the 2009 congress, MUI also wanted the state to recognise it as a body that supervises school textbooks, health products, and clothing, ensuring that they do not contain pornography or porno-action (Majelis Ulama Indonesia, 2011a, pp. 922-925). Without providing any examples, MUI claimed that pornographic and porno-action materials are widespread in Indonesia's

education and the health sectors. MUI requested the state consult it before deciding whether reading materials in schools are appropriate for students, lecturers, and undergraduates. It also wanted a role in determining the standards for morality, which it argued, are currently not in place in the education sector. Related, MUI wanted a role in monitoring and filtering information and electronic contents in the new media; and regulating all products and imports that contain photographic elements from inundating the Indonesian market (Majelis Ulama Indonesia, 2011a, pp. 922-925). These requests demonstrate that MUI desired its role be formalised in the 2008 law. It also wanted the state to be more stringent and committed in battling immoral acts in Indonesian society.

MUI's quest to "moralise" entertainment

Even before the 2008 law was passed, MUI had always wanted to be a morality watchdog. MUI members were quick to criticise artists or models for not meeting what they see as Islamic requirements. They also demand public to consult them on what Islamic entertainment is, and they want the public to recognise MUI's authority in determining what forms of dance, song, and clothing are suitable for public viewing. In 2003, MUI leaders criticised Indonesia's famous "dangdut" singer Inul Daratista for the way she danced and gyrated.²²⁴ They saw her dance moves as not fit for public consumption. Amidhan characterised Inul's dance moves as pornography, and he later cited an unsubstantiated report that a man raped a girl after watching Inul danced (*The Jakarta Post*, "'Dangdut' Singer Inul is too hot for many Indonesia?" 22

²²⁴ Dangdut is a form of Indonesian music genre that combines Arabic, Indian, and traditional Indonesian music instruments.

February 2003). In 2005, MUI reproved model Artia Sari Devi for participating in the Miss Universe competition. Ma'ruf Amin declared wearing swimsuits during the competition constituted pornography. Ma'ruf said that "This kind of pageant violates religious values, especially Islam, and Indonesia is known as a religious society, so one should not go into any activities that are not in line with religious values" (*Reuters*, "Miss Indonesia and her 'Swimsuit problem'," 20 May 2005).

In 2013, the Miss World issue resurfaced when the beauty contest was scheduled to take place in Jakarta. Ma'ruf Amin, and several other MUI leaders came out publicly to oppose the competition. However, this time, MUI leaders were embarrassed by one of its member, Syarif Rahmat, who appeared in an advertisement for Miss World. Ma'ruf and a few other MUI leaders were quick to denounce that Syarif's behaviour did not represent the views of MUI (*Republika*, "Pengurus MUI di Iklan 'Miss World' tidak bawa organisasi," 26 August 2013). They insisted that the competition be banned in Indonesia. Syarif on the other hand was quick to say that the media misrepresented him in the advertisement. Syarif believed that there could be no stopping of the Miss World competition from being organised; hence, the best way is to advice the masses to exercise caution.

MUI's attempts to moralise entertainment transcends their public criticisms towards local artists. It wants to play a bigger role in the country's censorship boards. Currently, has a member who sits in Indonesia's film censorship board, LSF (Lembaga Sensor Film or Film Censorship Board). Other religious communities are also represented in the board: PGI (Persekutuan Gereja-

Gereja Indonesia or Communion of Churches Indonesia); KWI (Konferensi Walinegara Indonesia or Bishops Conference Indonesia); PHDI (Parisada Hindu Dharma or Indonesian Hinduism Society); Walubi (Perwalian Umat Buddha Indonesia or Federation of Buddhist Representatives). Nevertheless, MUI's influence in this board is limited. In 2010, Ma'ruf Amin spoke about recalling its representative because the other board members have marginalised MUI's representative. Ma'ruf Amin admitted that MUI has been ineffective in pressuring the Indonesian Censorship Board to ban a number of horror and "pornographic" movies (Elin Yunita & Aries, 2010). Being unsuccessful in this board does not prevent MUI members from publicly critiquing film directors. In 2011, MUI leader Cholil Ridwan criticised Hanung Bramantyo for his film *Tanda Tanya* (Question Mark). Cholil said that Hanung was insensitive towards Islamic faith and for promoting pluralism (Hoesterey & Clark, 2012, p.222). These criticisms did not stop the film from its release. In fact, *Tanda Tanya* was nominated for nine awards during the 2011 Indonesian Film Festival.

MUI does not only target the local entertainment scene but also wants Islamic moral standards to apply to international artists having concerts in Indonesia. On 3 June 2012, American pop artist, Lady Gaga was scheduled to make her debut concert in Indonesia. MUI vehemently rejected the concert. The reasons for MUI's objections will be discussed shortly, but upon the advice by the National Police, the organisers cancelled the concert even though more than 50 000 tickets had been sold. However, the extent in which MUI's protest contributed to the National Police's decision remains questionable. On the one

hand, the National Police refused a permit for the concert and suggested organisers seek recommendations from MUI first before it can issue any permit (*The Jakarta Post*, "MUI rejects 'pornography icon' Gaga," 22 May 2012). However, this is by no means the police's recognition of MUI's authority. First, the National Police wanted MUI's endorsement to come together with Kemenag's. Second, the police also wanted recommendations from the Tourism Ministry, Home Affairs Ministry, Director General for Immigration (for visa purposes), Manpower and Transmigration Ministry, and Bung Karno Stadium's management. Third, radical Islamic groups, particularly the FPI, were already planning to sabotage the concert had it carried on. They were even planning to stop Lady Gaga from getting off the plane (BBC, "Lady Gaga 'devastated' as Indonesia concert cancelled," 28 May 2012). These show there were other considerations resulting in Lady Gaga's concert being called off.

Nevertheless, six months after the Lady Gaga controversy, MUI got what it hoped when Jennifer Lopez's management team came to MUI discussing her debut concert in Jakarta. The concert was held on 30 November 2012. That time, MUI gave its consent because Lopez's management assured MUI that she would dress appropriately. Isa Anshary, the Chief Secretary for MUI, pointed out

We have given permission for Jennifer Lopez to have her concert in Jakarta. We allowed Jennifer Lopez to perform because her dressing meets our moral requirements. For the case of Lady Gaga, even the Christians are not happy [with her dressing]. We [in MUI] said that it is important for MUI to give guidance that the artist's dressing must be moral. We are from the East, and we should not be like the West!²²⁵

²²⁵ Interview with Isa Anshary, 6 December 2012

Jennifer Lopez's management team would not want a repeat of the Lady Gaga controversy, which was still fresh on everybody's mind. However, so far, there were no reports about other foreign artists—as well as local ones—coming to MUI seeking its approval. Many foreign artists held their concerts in Indonesia, including Hollywood, Bollywood and those from Asia, and they did not trigger the sort of controversy equal to Lady Gaga.

The battle for Pancasila in defining morality

What are the strategies deployed by MUI in asserting its role in public morality? MUI used Pancasila to get the state to hear its request. Having social actors apply state's ideology in making demands is not peculiar to the Indonesian case. In the next chapter, I discuss how the Malaysian ulema effectively used the state's ideology Rukunegara to defend their authority. They claim to uphold the sanctity of Malay rulers, Islam, and Malay supremacy, while concurrently defending their own positions. Pancasila, however, does not have the same effect on MUI. Because Pancasila stands for neutrality towards all faiths, MUI cannot use it to determine public morality based on religious arguments.

Cirrus 2006, in the midst of the anti-pornography bill controversy, there was an upsurge of discussion to revive Pancasila. Civil groups that were critical of Suharto for forcing all groups to adopt Pancasila, were then using it prevent the passing of the bill. They felt that the bill contradicted the essence of Pancasila, which promotes plurality (*The Jakarta Post*, "Put Pancasila back on pedestal," 1 June 2006). Balinese activists were also unhappy that the bill could threaten their culture. Bali has many paintings in caves and sculptures that portray

sexual overtones (Gelling, 2008). According to Gusti Ngurah Hatta, the bill was a threat to Pancasila and Bhineka Tunggal Ika (Unity in Diversity) (Wayan, 2006). There were also groups from the East Nusa Tenggara that rejected the anti-pornography bill because it contradicted the Pancasila and the constitution (*The Jakarta Post*, "SBY advised not to sign porn bill," 28 November 2008).

MUI also sought to use Pancasila for its political gains. After the fall of the New Order, it was quick to denounce Pancasila, but to only embrace it again during the Lady Gaga controversy. After the fall of the New Order, some members favoured for Pancasila to be dropped in favour of Islam (Syafiq, 2011, p. 6). "Islam is bigger than Pancasila" said MUI secretary Isa Anshary.²²⁶ In 2006, MUI led a protest in response to the Yudhoyono government's proposal that all Islamic groups to adopt Pancasila or be banned. The state made this threat to groups that had been pushing for more shariah by-laws and the anti-pornography bill to be passed (*The Jakarta Post*, "Hard-line groups reject Pancasila as sole ideology," 22 June 2006).

Ironically, there have been attempts by some MUI members to use Pancasila to demand for Lady Gaga's banning. They invoked point number two which states that Indonesia should be "Just and civilised humanity." Umar Shihab, the head for Ukhuwah Commission in MUI, states that Lady Gaga violates the principles

²²⁶ Interview with Isa Anshary, 31 October 2012. The selective use of Pancasila itself has raised divisions within MUI. Slamet Effendy, for instance, contends that MUI has not abandoned Pancasila ideology for sharia, but have contrasting perspective on public morality from other members Slamet also spoke about the merits of Lady Gaga. He said that Indonesian should emulate Lady Gaga on how to be a good singer, composer, and dancer (NU Online, 2012). Because of these disagreements between Lady Gaga and Pancasila, MUI has not officially issued any fatwa on the American artist (Rachman & Primanita, 2012). Interview with Slamet Effendy Yusof, 5 December 2012.

of the nation in Pancasila, UUD 45, and pornographic laws (Eko, 2012). Aminudin Yakub, says that Lady Gaga will destroy the morals of the nation's youth. Another MUI member, Asrorun Niam, says that "Lady Gaga is at odds with the nation's belief in the one and only God and debases religion" (*The Jakarta Post*, "MUI rejects 'pornography icon' Gaga," 22 May 2012). While not mentioning Pancasila specifically, Slamet Effendy implies its "Just and Civilised Humanity" tenet in agreeing with Lady Gaga's banning. He said

I have my own views of Lady Gaga. MUI forbids Lady Gaga because she worshiped the devil. Furthermore, the idea of lesbianism is something that we disagree on. I will not agree on lesbianism, because it degrades the values of humanity. There were disagreements within MUI; some of us feel we need to look at beyond the literal aspects.

MUI's "flip-flopping" on Pancasila demonstrate it is a pragmatic institution, even though there is no questioning that it seeks to develop more shariah in Indonesian society today. Its applying to Pancasila has not had a great effect in its push to moralise the entertainment and media industry. This is because contemporary Indonesians have come to interpret Pancasila as symbolising plural values rather than narrow interests of certain groups.

To sum up, MUI's attempt to moralise the media and entertainment industry has been mixed. While the state eventually passed the anti-pornography bill in 2008, most of MUI's demands, including a clear definition of its role, are not met. The Yudhoyono government's stand on MUI was similar to Suharto's, which was to keep MUI's role marginal. I make this argument even though since 2005, Yudhoyono had called on MUI to play a greater role in the public sphere. His call was mainly a lip service to the institution that was not match with

significant action. Nevertheless, MUI's success is determined by its ability to forge alliance with radical Islamic groups such as the FPI. Media and entertainment players were more fearful of these radical groups than MUI and they went to MUI only to seek refuge so that these radical groups would not harm them.

Towards a halal-certified society: MUI's capture in progress?

On 8 January 2013, during a celebration for the 24th anniversary of LPPOM-MUI, Ma'ruf Amin delivered a keynote address highlighting MUI's latest project: sharia tourism.²²⁷ Sharia tourism, he argues, is one that is oriented towards the welfare of the public, which emphasises renewal, refreshment, and recreation. MUI's sharia tourism project promotes "moral" tour packages that refrain tourists from pornography, porno-action, unlawful sex, drugs, gambling, and consumption of alcohol. Ma'ruf added that sharia tourism is universal and inclusive and respects the social and cultural norms of the locals. During the celebration, MUI distributed the *Kriteria dan Panduan Pariwisata Syariah* (Criteria and Guide for Sharia Tourism) document to attendees. The document states that all companies and industries in sharia tourism should utilise MUI's services.

MUI members say that participating agencies in shariah tourism must patronise its services. Shariah hotels must be certified by MUI and they must provide facilities for ablution, prayers, halal food, and cleanliness. One such hotel is the

²²⁷ I attended this event and took notes of Ma'ruf's speech.

Sofyan Hotel Betawi Hotel in Jakarta that adapted to become shariah compliant in 1994. Couples who checked into shariah compliant hotels must show marriage certificates. In shariah compliant hotels, there must be no pictures depicting humans and animals hung on the walls of the hotel. Moreover, in shariah compliant hotels, a prayer mat and Quran is provided in each room, the restaurants in the hotel does not sell liquor, and the restaurants only provide halal certified food and drinks (Zubaidah, 2014). Between 2012 and 2013, the hotel recorded a significant twenty per cent jump in profits. The demand for such hotels and shariah tourism in general, mainly comes from the Middle Eastern and Southeast Asian countries.

Moreover, restaurants and cafes in shariah hotels must ensure that food served is halal and must obtain halal certificates from LPPOM-MUI (Kreatif & DSN-MUI, 2012). Spa, sauna, and massage parlours located in such hotels must be equipped with proper prayer facilities. MUI members call for a sharia code to be included for tour guides. A shariah oriented tour guide should be a man of good faith, good communicating trustworthy, and responsible reflect Islamic ethics and dress (Kreatif & DSN-MUI, 2012, pp. 8-16). In 2014, when Joko Widodo (Jokowi) was still Jakarta governor, he considered a gubernatorial decree on halal certification. Right now, only 315 food outlets of 8000 have been certified halal, and Jokowi intended to expand it (Zubaidah, 2014).

The sharia tourism clearly reflects the direction in which MUI's push for state capture is heading to for the years to come. MUI will continue to ride on the general rise in piety and conservatism amongst the Indonesian Muslims, which

gained began since the Islamic resurgence period in the 1970s, and gained momentum in the 1990s. In the past, Suharto has denied MUI the authority to affect laws and regulations. Generally, the contemporary government continues Suharto's attitude towards MUI. Thus, MUI relies on societal support to lobby its requests to the state. One of the ways MUI tried to do this is to generate the community to patronise its halal certification business. One can observe this trend in shariah banking and finance; food, cosmetics, and medicine; and lately shariah tourism.

Conclusion

This chapter demonstrates the challenges faced by MUI in fulfilling its aims of capture. Based on the measurements of successful capture as pointed in Chapter One, MUI has been relatively successful in placing its members as advisors in shariah banks, which could in turn lobby the state to support its Islamic banking policies. Through the DSN-MUI, MUI is able to issue fatwa on Islamic banking that may have a significant impact on the shariah banking laws, although the state does not necessarily have to accept all fatwas. Its attempts to replicate these successes into other spheres are limited. The state continues to neutralise MUI's influence by merging them with rival ormas, or to exclude them from important decision-making position. MUI's failure also results from its internal fragmentation. The lure of personal rent seeking gains, overlapping loyalties with other ormas, as well as different religious orientation the exacerbated this fragmentation.

Apart from its internal fragmentation, the existence of other ormas and NGOs diluted MUI's influence in the religious public sphere. At times, rival ormas and the state conducted smear campaign towards MUI, and exposed rent-seeking activities by MUI leaders in halal certification. Contrary to scholars and reporters who constantly highlight MUI's fatwa as having a huge influence on the public, its fatwa have also been the subject of ridicule by other progressive ulema. Ma'ruf Amin also admits the negative response on MUI fatwa (Iffatul Umniati, 2009). The diversity of opinion by MUI members in the public domain only seek to confuse matters. There are many attempts to quell this fragmentation, and many MUI members often raise the idea of standardisation of fatwa. Nevertheless, until this fragmentation is resolved, the state and other ormas will continue to exploit MUI. Despite these challenges faced by MUI, it is likely to continue in its capture of the state, and these attempts, as mentioned in this chapter, include monopolising halal certification, determining deviance, becoming a watchdog for censorship, defining the Pancasila, and lately introducing shariah tourism.

Chapter Seven

JKF-MKI, JAKIM and IKIM: Aims, strategies and challenges of capture

Since taking power in 1981, Mahathir undertook a major Islamisation program for Malaysia. He empowered and upgraded ulema institutions, some of which were formed by his predecessors Tunku Abdul Rahman (1957-1970), Abdul Razak Hussin (1970-1976), and Hussein Onn (1976-1981). He strengthened the JKF-MKI (Jawatankuasa Fatwa Kebangsaan MKI or National Fatwa Committee), expanded the role of JAKIM (Jabatan Kemajuan Islam Malaysia or Department of Islamic Development Malaysia), and created IKIM (Institut Kefahaman Islam Malaysia or Malaysian Institute of Islamic Understanding). Mahathir co-opted ulema into these institutions to shore up support for UMNO (United Malays National Organisation), to support his development policies, and most importantly, to counter the opposition party PAS (Islamic Party of Malaysia).

Scholars have discussed extensively Malaysia's Islamisation and ulema co-optation under Mahathir's authoritarian rule (Hamayotsu, 2005; Maznah, 2013, p.110-118; Rais, 1995; Syed Husin, 2008). According to Syed Hussin, "The religious functionaries from the mufti and the *kadi* right down to the imam...have become government servants and paid monthly salaries... and can be promoted or demoted, depending on [political] circumstances" (2008, pp. 66-67). The perception of ulema co-optation remains strong even after Mahathir's

retirement in 2003.²²⁸ "With the exception of a very few, the official ulema are co-opted by the state. If they ever go against the government, they will be called up by the bosses!" said Dato' Siddiq Fadhil, former ABIM (Angkatan Belia Islam Malaysia or Islamic Youth Movement of Malaysia) president.²²⁹ Similarly, Fauzi Deraman, an Islamic Studies professor at UM (Universiti Malaya), said "It is true that official ulema are close to the government...The official ulema want to protect their positions, so they have to say 'yes' to the government."²³⁰

Scholars observe yet another trend regarding the behaviour of Malaysian official ulema. They point to ulema becoming increasingly conservative in their thinking (Alatas, 2014; Farish, 2005; Martinez, 2001; Norani et al., 2005). Malaysian academic Farish (2005) goes so far as to label contemporary official ulema in Malaysia as "religio-fascists" for raiding night-clubs and harassing religious minorities. Similarly, Alatas (2014) characterises them as "Salafis" for their persecution of the Malaysian Shia community. He argues that extremist ideas from the Middle East have influenced official ulema's way of thinking and behaviour.

I generally concur with these scholars' observations on the ulema's loyalty to the government as well as their conservatism. The ulema's defence of UMNO leaders, the party's ideology and its policies on the one hand; and the Malay rulers' position as the country's custodians of Islam on the other; reflect strong state co-optation. To illustrate, ulema have prominently defended UMNO's

²²⁸ Interview with Nasruddin Tantawi, 10 February 2013; Email Interview with Jufitri Johar, 11 June 2013.

²²⁹ Interview with Siddiq Fadhil, 24 April 2013.

²³⁰ Interview with Fauzi Deraman, 6 February 2013.

ketuanan Melayu (Malay supremacy), Rukunegara (especially on loyalty to the King), Wawasan 2020, Islam Hadhari (Civilisation Islam) and Islam Wasatiyah (Moderate Islam) in their sermons, writings, and discourse. They have also described groups critical of Malay rulers as "un-Islamic." On the other hand, ulema's conservatism is reflected in their recent fatwas on issues such as proscribing conversion out of Islam, banning the rightful use of the term "Allah" by non-Muslims, and enjoining the conversion of minors to Islam by single parent (all these issues will be discussed later in this chapter).

However, I argue that the Malaysian official ulema are not passive actors abiding UMNO's instructions at all times. By entering into state-sponsored institutions, they work closely with state officials and politicians. They can have frequent contact with the Prime Minister, cabinet members, and senior bureaucrats that other ulema were denied access to. In addition, they use state platforms to launch their capture initiatives. Furthermore, some ulema stand out from others in terms of their ability to influence the state. In this chapter, I examine closely the authority Perak Mufti, Harussani Zakaria, particularly his ability to prolong his stay in office, to withstand criticisms from UMNO, and wield influence beyond the religious domain. Some Malaysians jokingly called him the "Malaysian Pope." Emphasising Harussani's role allows one to explore the internal dynamics within the official ulema class.

There are five capture objectives of Malaysian official ulema. First, they want to dominate the religious discourse by having exclusive rights to determine who can speak on Islamic matters, to define what constitutes the "correct" Islam, and

to render their opinions unchallengeable. They have silenced liberal groups and those not conforming to orthodox Sunni Islam. Second, they seek to sustain the existing power structures so that they can continue affecting government policies. I contend that contemporary official ulema supported the Malay rulers and UMNO partly because they have to, but more so because they want to preserve the status quo. Supporting UMNO guarantees their edge over PAS, their main rival in the Islamic sphere. Third, the ulema aim to act autonomously from the state. Under the Mahathir government, they had to conform to the state's wants. Under the Abdullah Badawi government, and especially after the 2008 elections, they have been able to defy the state, ignore its instructions, and even issue fatwas that contradict the government's wishes. There were instances in which the ulema sided with the rulers and the opposition in making their requests to the state.

Fourth, the official ulema hope to enhance their authority beyond state platforms, such as the bureaucracies, mosques, and madrasahs. In fact, as the chapter will illustrate, the powers of the official ulema are no longer restricted to the religious domain. The community has been soliciting ulema's views on many issues; including on political controversies, economic policies, and Malay cultural life. Fifth, the official ulema desire to affect the distribution of resources. They want to be key players in the halal certification and Islamic banking sectors, on top of the being high-ranking bureaucrats. In pursuing this last objective, the ulema wish to expand both institutionalised capture and personalised capture. Institutionalised capture means requesting greater state recognition of ulema institutions for their roles in administering shariah banking

and halal certification. Personalised capture refers to ulema obtaining private gains from heading these lucrative sectors.

The chapter also demonstrates Malaysian official ulema are more successful than their Indonesian counterparts in meeting their objectives. The Malaysian ulema's ability to capitalise on three capture modalities—a clear institutional role, coherent ideology, and organisational unity—contributes to their relative success. Malaysian laws and enactments clearly define the ulema's authority in fatwa, shariah economics, halal certification, and moral policing. Fatwas passed by the *negeri* religious councils are binding, and those violating them could face a fine or jail sentence. Yet, the federal and *negeri* religious institutions work closely with the aim of standardising fatwas and religious administration for the whole country. More importantly, the first modality allows official ulema to act autonomously from societal pressure because the law allows them to do so. For example, they can mobilise the religious police to arrest groups deemed “deviant” or “immoral.” Their actions are also legitimate because they are backed by the Malay rulers, who the constitution defines as the custodians of Islam and the Malays. The ulema can easily disregard criticisms from liberal groups and intellectuals, and even curb them from speaking on Islamic matters.

Malaysian official ulema have been effectively articulating their requests for greater power using state's and UMNO's ideology Rukunegara and ketuanan Melayu. While this is the least important capture modality compared to the other two, the ulema preserve existing power structures by supporting those ideologies. By supporting these ideologies, the ulema formed a durable alliance

with UMNO and Malay rulers. The ulema treated every challenge to their authority—by the opposition and civil society—as a threat to Islam and the constitution.

Furthermore, the ulema have been able to demonstrate greater cohesion when responding to challenges from PAS, civil society, and lately, even UMNO leaders who wanted to moderate their views on Islamic matters. While the ulema have their differences, as shown in the different fatwas passed at the *negeri* councils, they rarely expressed their disagreements publicly.

The following sections examine the extent Malaysian official ulema can meet their capture objectives applying the three mentioned modalities. The discussion will be organised in the following matter: the official ulema's desire to dominate religious discourses; to sustain power in the institutions to continue affecting policies; to be able to act independently of the state; to assert authority beyond those specified by the state; and to affect distribution of resources. Within these sections, I discuss ulema's strategies to achieve these objectives.

Dominating Islamic discourses

Malaysian official ulema seek to dominate Islamic debates by rejecting the rights of certain groups to speak on religious matters. They were also intolerant

of individuals who challenge their fatwas.²³¹ In Islamic jurisprudence, fatwas are usually regarded as advisories and non-binding. Nevertheless, the Malaysian ulema have imposed sanctions for fatwas violators, in some instances, labelling them "deviants." I argue the ulema have been successful in dominating religious discourse, which is reflected in three aspects: their ability to limit who can speak on Islamic matters; their authority to define what constitutes as *Ahlus Sunnah Wal Jamaah* (Sunni or ASWJ); and their authority to declare groups as "deviant."

Limiting who can speak on Islam

The Malaysian official ulema consider their views theologically sounder than those of other ulema and Muslim intellectuals. They continue to hold this assumption even though there are many other scholars, activists, and intellectuals who articulate their views with reference to Quranic texts and Islamic traditions. The ulema used labels such as "liberal"; "pluralist" or "orientalist" to silence those whom they regard as non-ulema, and these labels feature in their sermons and writings.²³² For example, on 9 March 2012, JAKIM issued a sermon cautioning Malaysian Muslims about ideologies that threatened the Muslim faith, including capitalism, materialism, liberalism, pluralism, communism, Punks, homosexuality, Shiism, and free sex (JAKIM, 2012a). The ulema see these ideologies as contradicting Islamic principles. The following paragraphs discuss how the official ulema use such labels to suppress

²³¹ Their quest for monopoly in the religious domain is akin to religious traditionalism and authoritarianism defined by scholars of sociology of religion Abou El Fadl, 2001; Noor Aisha, 2004; Towler, 1984.

²³² Malaysian academic, Farish A Noor is one person who is often labelled as liberal and has no authority to speak on Islam. In a blog post, he lamented how the line "You are not qualified to about Islam" is used repeatedly to restrict the public discourse to the conservative groups (Farish, 2009).

and delegitimise civil society groups that are active in promoting progressive Islamic interpretations. The groups that will be discussed in detail here are SIS (Sisters in Islam) and IRF (Islamic Renaissance Front) members.

The official ulema have denounced SIS members as promoters of "liberal" Islam. Founded in 1987, SIS has advocated against discriminatory practices towards women. SIS members include academics, professionals, journalists and lawyers.²³³ They promote contextual, hermeneutical readings of Islamic texts. In the past, they have criticised conservative groups for perceived gender biased interpretations of the Quran. For example, they rejected the view that women's eyewitness testimony in criminal investigations was less credible than men's, and that "two women's eye-witness accounts equal to one man's" and "four adult male eye-witnesses are required to prove a rape crime" (Rose, 1995, p.44).

For their critical views, SIS members had on many occasions clashed with official ulema. According to Ratna Osman, SIS Executive Director, the official ulema do not like SIS because the organisation always contests their rulings. Ratna also revealed that the ulema had warned SIS not to speak on Islam matters because they do not have any Islamic "credentials."²³⁴ She felt the ulema could not tolerate criticism of their rulings. Ratna explained

In Selangor, they gazetted a fatwa declaring smoking impermissible. Can the state enforce that fatwa? [Likewise] A Muslims male who has reached puberty but does not perform prayers should be detained. How can the state implement

²³³ Prominent members of the organisation include Norani Othman, Zainah Anwar, and the daughter of former Prime Minister Mahathir Mohamad, Marina Mahathir.

²³⁴ Interview with Ratna Osman, 7 February 2013

that? SIS is saying that there are better interpretations and opinions in the Muslim world compared to theirs. They don't like us because we question them.²³⁵

The official ulema were not the only ones critical of SIS; ulema from PUM and PAS had also joined the official ulema in restricting SIS's influence in the religious domain. Ratna recalled that in 2009, the official ulema, PAS Youth and PUM organised a protest against SIS for coordinating The Global Musawah programme. The program's objective was to create public awareness on gender equality, justice, and dignity for women. The protestors argued that SIS was promoting "dangerous" ideas because in Islam, men are leaders and women followers.²³⁶

In 2010, SIS leaders were confronted by the Perak mufti, Harussani Zakaria, concerning the caning of three Muslim women. The Federal Territory Shariah Court found the three women guilty of adultery, and on 9 February 2010, they received six strokes of the cane (*Utusan Malaysia*, "Harussani bidas Sisters In Islam," 19 February 2010). SIS members protested against the sentence because it contradicted Section 289 of the Penal Code, which bans caning of women. Moreover, SIS members argue for consistency in law enforcement. At that point in time, the much reported Kartika Sari case, who was appealing against a similar sentence, was yet to be concluded.²³⁷ The Pahang Shariah

²³⁵ Ibid.

²³⁶ Ibid.

²³⁷ In July 2008, Pahang religious officials arrested Kartika Sari Dewi, a 32 year-old, Malay/Muslim fashion model, for drinking alcohol at a nightclub. Under the Pahang religious law, it is an offence for a Muslim to consume alcohol in public. Those caught consuming alcohol in public will be liable for a fine, jail, and/or caning. The Pahang Shariah Court sentenced Kartika to six strokes of the cane and a fine of RM 5000 (A\$1733), which was not carried out by the time the three Muslim women were caned. In fact, the Pahang religious authorities did not cane Kartika after all because on 1 April 2010, the Pahang Ruler, Sultan Ahmad Shah, pardoned Kartika and directed her to carry out community work instead.

Court had sentenced Kartika to be caned for drinking beer in 2009. Harussani criticised SIS for protesting against the caning of the three women, arguing that the Quran and shariah laws permit caning of adulterers. Harussani then labelled SIS "Westerners" and "Orientalists" for opposing God's law. According to Harussani,

These people do not understand Islamic laws; they go against and hate Islamic law because the Orientalist West who goes against Islam influences them. If you want to consider six strokes of the cane, it is too lenient when the original punishment is 100 lashes to those to commit adultery and 80 lashes for taking alcohol (*Utusan Malaysia*, "Harussani bidas Sisters In Islam," 2010, 19 February).

ABIM's women members supported Harussani's criticisms of SIS. Fadhlina Sidek, the Vice-President of its Woman's Wing, called on the public to ignore SIS for rejecting Islamic law (*Berita Minggu*, "NGO tak patut persoal hukuman syariah," 21 February 2010). This shows that some Muslim women supported the official ulema against a group that struggles for their rights.

Most recently, in July 2014, MAIS (Majlis Agama Islam Selangor or Selangor Islamic Religious Council) gazetted a fatwa declaring SIS "deviant." The council sees SIS as promoting liberal Islam and pluralistic thinking. The Selangor Chief Minister, Azmin Ali, called for dialogue between MAIS and SIS, though he reiterated that he has no authority over fatwas and that the fatwa should be respected (Anisah, 2014). The MAIS fatwa was supported by PAS Youth (*Utusan Malaysia*, "Dewan Pemuda Pas Pusat mahu Sis diharamkan segera, 7 November 2014). Interestingly, the official ulema were critical towards SIS even though one of its board members is Datin Paduka Marina, Mahathir's daughter. The official ulema's approach towards SIS demonstrates that political

connections play a minimal role in ulema's decision. They target groups that challenge their rulings.

Besides SIS, the official ulema have also considered the IRF (Islamic Renaissance Front) a "liberal" organisation. IRF is an NGO that promotes progressive, reformist and inclusive Islamic discourses. It runs a website (irffront.net) that features articles—both in English and in Malay—on Islamic legal reforms, reformist thought and Islamic intellectualism. The IRF was launched in 2009 by internationally renowned reformist thinker Tariq Ramadan. Based on its website, IRF's vision is to promote ideas of Islamic reform and renewal, to revitalise Malaysian Muslim intellectual discourse, and to help establish an inclusive and just Malaysian nation (Islamic Renaissance Front, 2014).

Overall, the official ulema treated the IRF more favourably than SIS. Farouk Musa, IRF's director, said that the official ulema have neither intimidated him nor called him up for questioning, even though IRF is also promoting discourses such as gender equality and human rights. One possible explanation for the official ulema's differential treatment towards the IRF is that IRF's commentaries apply views of modernist Egyptian jurists Muhammad Abduh (b.1849-d.1905). Malaysian ulema generally considered Muhammad Abduh's ideas as mainstream. IRF also referred to mainstream Southeast Asian ulema. According to Farouk

And from Imam Abduh, there is a lineage, of all the *mujadid* or reformers like Rashid Rida, Al-Marawi, and of course in the far east, Kiai Hassan Bandung, Prof Hasbi As-Siddiqui, Isa Anshori, Prof Hamka, a few others, Syed Syeikh Al-

Hadi, Syeikh Ibrahim AB, and like Zaba himself and all these are reformers, in Malaysia and Singapore.²³⁸

The other reason why the ulema did not intimidate IRF leaders is that the organisation is led by men. There remains a gender bias within the ulema's discourse that men are natural leaders and women caregivers. The ulema were less favourable of SIS because they are led by women.

Yet, there were instances where the official ulema tried to stop IRF's events. So far, the IRF had to cancel two events because JAKIM did not approve them. On 19 September 2011, IRF called off "The Future of Islamic Feminism" forum because JAKIM considered the speakers "liberal" Muslims. Farouk recalled

The religious authorities wanted to impose their authority [by stopping the event] because we invited Zainah Anwar and Farish Noor. It was cancelled even though it was at ISTAC and co-organised by the Post-Graduate Centre for International Islamic University Malaysia.²³⁹

JAKIM also wanted the organisers to drop Dr Mohd Asri as a panellist, and requested one of its own ulema to replace the former Perlis mufti. This shows that JAKIM tries to micro-manage religious events even though they are organised by NGOs.

Three years later, JAKIM stopped another IRF forum. On 18 October 2014, the IRF and GMM (Global Movement of Moderates Foundation) organised a discussion "Religious Fundamentalism Threat in This Century." The organisers

²³⁸ Interview with Dr Farouk Musa, Director of Islamic Renaissance Front, 7 February 2013. Some of these scholars listed by Farouk are deemed liberal-oriented by Muslims in other parts of the world (Norshahril, 2012b).

²³⁹ Interview with Dr Farouk Musa, 7 February 2013

invited Ulil Abshar-Abdalla, an Indonesian liberal intellectual, to be one of the speakers. JAKIM director-general, Datuk Othman Mustafa intervened, declaring the talk contravened JKF-MKI's ruling. He said that only the ASWJ or Ahli Sunnah Wal Jamaah sect is allowed to be practised in Malaysia. JAKIM banned Ulil Abshar from speaking, claiming he was a liberal Muslim and Ahmadiyah Qadiani sympathiser. *Bernama* reported that JAKIM advised the Home Affairs Ministry to stop the forum (*Bernama*, "Roundtable Discussion On Religious Fundamentalism Islamism Should Be Stopped—Jakim," 9 October 2014).²⁴⁰

JAKIM also targets Individuals who gave alternative viewpoints from the ulema's. In 2004, JAKIM directed Astora Jabat, a liberal-minded columnist for *Utusan Malaysia*, to stop writing on Islamic matters. Before that, *Utusan Malaysia* published Astora's column regularly. His articles dealt with Islam and normally adopted a progressive slant. In 2003, the Perak Religious Council issued a fatwa against Astora. The fatwa declared Astora an apostate for questioning the Islamic belief about "punishment of the grave" after a person's death. Astora pointed out the conflicting hadith on the belief and JAKIM warned Astora for traducing ulema's authority. It also characterised his writings as divisive. Later, JAKIM Director General, Mustafa Abdul Rahman, accused Astora of being disrespectful to Malaysian shariah laws and muftis (Rozi, 2004). After the controversy, *Utusan Malaysia* discontinued Astora's columns.

In short, official ulema consider themselves to be the most authoritative to speak on Islam. Not only do they seek to silence groups who promote feminism

²⁴⁰ The banning of non-ASWJ sects will be discussed later.

and liberalism, they also tried to restrict ulema who disagree with them from speaking. They use platforms such as Friday sermons, fatwa meetings, and mainstream media to warn Muslims of the groups' "threats." In June 2012, Perak Mufti Harussani Zakaria advised Nik Aziz (PAS Spiritual leader) not to criticise any Malaysian mufti. Harussani was unhappy when Nik Aziz reminded him not side with UMNO. Harussani counselled Nik Aziz that muftis are learned persons of religion and should never be questioned (*Utusan Malaysia*, "Nik Aziz kurang sopan tegur mufti," 2 June 2012).

Defining ASWJ

Official ulema also claimed they have sole authority to define "truth" and "deviance," even though these have been contested arenas in theology throughout Islamic history (Fazlur, 2000). They sought to monopolise the religious discourse by assuming authority to give the "correct" definition of ASWJ, which is the only allowed sect in Malaysia. The ASWJ teachings said that after the demise of the Prophet Muhammad, the Caliphs were Abu Bakar, Umar, Usman and lastly Ali. This is different from Shia belief, which insisted that Ali was the rightful caliph after Muhammad's death, not Abu Bakar. Moreover, the official ulema portray Shiism's rise in Malaysian as threatening ASWJ, although Shias make up only ten per cent of Muslim population in the world, and probably, less than one per cent in Malaysia.

On 9 March 2012, JAKIM issued a Friday sermon entitled *Ancaman Akidah Umat Islam* (The Threat to the Islamic Faith). The sermon warns Muslims about the Shia threat in Malaysia. The official ulema's condemnation of Shiism began

in the 1980s and intensified under the Najib government. In 1987, seven Shia followers were detained for spreading deviant teachings. In 2001, the Home Affairs Ministry placed six Shia followers under the ISA for threatening national security. In December 2010, Selangor religious officials (JAIS) detained 200 members of the Lovers of The Prophet's Household, a pro-Shia group. On 8 March 2014, JAIPK (Jabatan Agama Islam Perak or Perak Religious Department) officials arrested 114 Muslims for attending a ceremony affiliated to Shiism (Alatas, 2014).

The JKF-MKI has issued fatwas declaring the Shias deviant, and many of the *negeri* religious councils have gazetted the fatwa. As early as 1984, the JKF-MKI had discussed the status of Shia; but it was only in 1996 that the committee released a fatwa against the sect (JAKIM, 2013a). Before 1984, JKF-MKI allowed the Shia denominations Zaidiyyah and Jafarriyyah to practise their faith. In 1996, the JKF-MKI issued a fatwa prohibiting the publication, broadcasting or distribution of books, leaflets, films, videos, and other products relating to the teachings of Islam that contradicted to Sunni Islam. The religious councils of Federal Territory (1997), Melaka (1997), and Pulau Pinang (1997) accepted and gazetted the fatwa; the Kelantan and Perlis religious councils endorsed the fatwa but did not gazette it. Recently, Pahang and Kedah religious councils have indicated that they would issue the fatwa on the sect (JAKIM, 2013a).

During the 2013 election campaign, UMNO leaders sought to use the Shia fatwa to discredit PAS leaders, whom they labelled as Shia sympathisers. UMNO politician Mukhriz Mahathir, son of the former Prime Minister, accused

Mohamad Sabu, PAS Deputy President, of being a Shia (*New Straits Times*, "PAS must clarify stand on Shia," 18 May 2013). Yet, Mukhriz's use of the Shia fatwa contradicted other UMNO leaders' more inclusive attitude. The fatwa also challenged *The Amman Message*, to which former Prime Minister Abdullah Badawi, and former religious minister Abdul Hamid Othman, are signatories. In 2005, Jordanian King, Abdullah Hussein, initiated *The Amman Message* to define what Islam is and what it is not. The declaration affirmed Shias as mainstream. Other signatories of the declaration include internationally renowned ulema and political leaders from 84 countries—such as the prominent Sunni ulema Yusof Al-Qardawi. Moreover, the fatwa was at odds with the fact that Malaysia has strong diplomatic ties with Iran, a Shia state. In 2013, Mahathir received former Iranian President Mohammad Khatami in Putrajaya. During the meeting, both Mahathir and Khatami called on the OIC to end the Sunni/Shia divide. Hence, the official ulema's position contradicted Mahathir's views.

As mentioned above, the ulema's harassment of Shias increased under the Najib government. The government, it should be noted, is powerless to prevent the arrests made by JAIS or JAIPK officials because Islam is a *negeri* matter. However, the government made little effort to persuade JKF-MKI to moderate its fatwa, something which may have softened *negeri* fatwas. Conversely, JAKIM and JKF-MKI have been pushing the state to restrict Shiism: through fatwas, campaigns and sermons. JAKIM also commissioned a frequently asked questions (FAQ) book on Shia entitled *Soal Jawab Isu Syiah di Malaysia* (Mohd Aizam, 2013). The book highlights the history of Shiism, its differences with

ASWJ, and its spread to the Malay world. The anti-Shia fatwa, and JAKIM's campaign that followed, affect Malaysia's standing as a "moderate" Islamic state, which is an image the government has strived to portray since 9/11. In July 2010, Najib called for the hatred between Sunnis and Shias to stop. He remarked, "The simplest analogy I would use is that both the Shia and Sunni are on the same highway. The only difference is that they are on different lanes. Even the destination is the same" (Sipalan, 2014). Furthermore, the ulema's behaviour impedes the Prime Minister's avowed ambition to create an inclusive society. Foreign visitors who came to study about Malaysia's so-called "inclusiveness" or "moderation" were upset with what they saw. According to Marina Mahathir,

Iranians came here [to Malaysia] to talk to IKIM officials. They were left shocked. The IKIM ulema are not at all moderate...It does not reflect the government's promotion of moderate Islam.²⁴¹

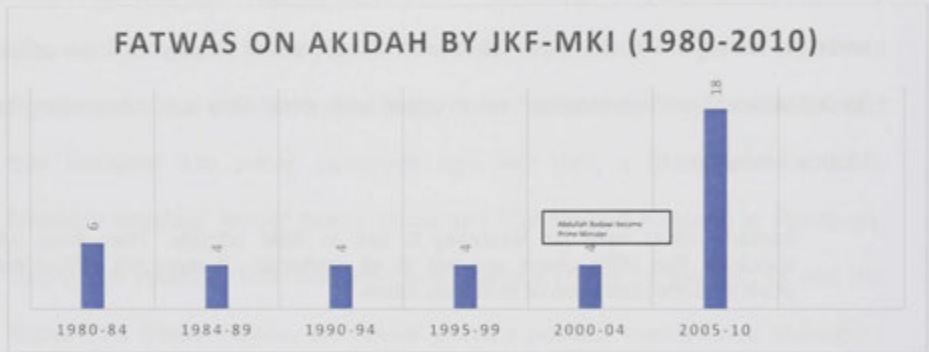
The Shias are not the only group denounced by the official ulema. Some Sufi orders are described as deviating from ASWJ, even though their practises are found in other predominantly Sunni societies. In 2000, the JKF-MKI declared the Tariqat Naqsyabandiah Al-Aliyyah to be outside ASWJ teachings, and the MAIWP (Majlis Agama Islam Wilayah Persekutuan or Islamic Religious Council for Federal Territories) and MAIM (Majlis Agama Islam Melaka or The Islamic Religious Council of Malacca) gazetted the fatwa (JAKIM, 2013a).²⁴² In countries such as Singapore where Sunni Islam is practised, the country's official ulema tolerated the sect and it has a wide following. The Malaysian ulema's decision to ban Tariqat Naqsyabandiah Al-Aliyyah on the grounds of

²⁴¹ Interview with Marina Mahathir, 7 February 2013.

²⁴² See fatwa Tariqat Naqsyabandiah Al-Aliyyah Pimpinan Syiekh Nazim issued 20 November 2002.

faith is not an isolated case. The JKF-MKI issued more fatwas on faith under the Abdullah Badawi government than under previous governments. The chart below (Figure 4) maps how the number of fatwa on faith increased by three-fold since Abdullah Badawi took over in 2003.

Figure 4. Fatwa concerning Islamic faith issued by JKF-MKI



Source: This data is compiled from JAKIM's website (JAKIM, 2013a).

Treating fatwas as unchallengeable

The *negeri* laws stipulate that anyone who violated a gazetted fatwa can be fined or jailed or both. For instance, in Selangor, those found violating a gazetted fatwa faced fines of up to RM3000 (A\$1060) or jail for up to two years (Syariah Criminal Offences (Selangor), 1995). In Sabah, a person who questions a gazetted fatwa issued by the mufti could be fined up to RM 1000 (A\$348) or jailed for six months or both (Syariah Criminal Offences (Sabah), 1995). Based on the Penang Syariah Enactment, those sentenced to jail would

be placed in the same prison with those who committed criminal offences (Jabatan Kehakiman Syariah Negeri Pulau Pinang, 2012).

Although sanctions only apply to those who violate fatwas published in the *negeri* gazette, there have been instances where official ulema acted beyond the laws' remit. In March 2014, prominent Malaysian laureate, Kassim Ahmad, was arrested by JAWI officials (Jabatan Agama Wilayah Persekutuan or Religious Department for Federal Territories) for insulting Islam and violating a fatwa. On 16 February 2014, Kassim spoke during a public forum organised by the Perdana Leadership Foundation in Putrajaya. In his speech, he made references to his 1986 book *Hadis: Satu Penilaian Semula* (Hadith: A Revaluation), which was declared haram by the religious councils of Penang (in 1986), Terengganu (in 1995), Sabah (gazetted in 1986), and Malacca (gazetted in 1986). The fatwas these councils passed consider Kassim to have insulted the Prophet and warned him not to repeat his views in public.

Ironically, the MAIWP and JKF-MKI did not issue any fatwa against the book. Therefore, JAWI arrested Kassim based on the fatwas gazetted by the Penang, Terengganu, Sabah and Malacca religious councils. Kassim's arrest was also controversial because it took place in Kedah when the alleged offence was carried out in Putrajaya. This shows that JAWI officials had exceeded their authority because their powers are restricted to the Federal Territories. Kassim was later charged under Section 7(b) and Section 9 of the Federal Territory Shariah offences Act (*Bernama*, "Scholar Kassim Ahmad to be charged in court today for insulting Islam," 27 March 2014).

The official ulema's attempt to consolidate their authority in fatwa-making was also demonstrated in Kedah. Recently, the Kedah government strengthened the powers of the MAIK (Majlis Agama Islam Kedah or Islamic Religious Council of Kedah). On 17 April 2012, the Kedah legislature (under the PAS government) amended the Mufti and Fatwa Enactment (*Rang Undang-Undang Mufti dan Fatwa*) which now states that fatwas issued by the Kedah mufti and the MAIK cannot be challenged (*Bernama*, "Koh cabar Lim Guan Eng tentang pendiriannya mengenai isu Kedah," 21 April 2012). The amendment means that a Muslim residing in Kedah cannot challenge any MAIK fatwa even if the Kedah Sultan has not given his assent to their gazetting. GERAKAN (Malaysian People's Movement Party) veteran leader, Koh Tsu Koon, and Perlis Mufti Dr Juanda Jaya, had criticised this amendment, which is another step towards authoritarianism in the religious discourse. Apart from Juanda, other muftis remain silent on the amendment. Even after UMNO regained control of Kedah in 2013, there was no indication that the *negeri* government would rescind the law.

Moreover, the official ulema have stepped up their criticisms of opposition politicians who challenged JKF-MKI fatwas. They regarded Muslims who violated JKF-MKI's fatwas as being "disrespectful" to the ulema and Islam. In February 2014, Harussani (Mufti of Perak), Abdul Rahman Osman (Mufti of Pahang), and Nooh Gadut (Advisor to Islamic Religious Council of Johore) criticised Anwar Ibrahim for speaking at a church gathering in Kajang, Selangor (*Berita Harian*, "Dua mufti lagi macam Anwar," 19 February 2014). During the

gathering, Anwar questioned the federal government's decision to allow Sabah and Sarawak Christians to use the term "Allah" but denying those from the Peninsular the same rights. Although Anwar was critical of the government, Nooh Gadut characterised Anwar's speech as defying the fatwa agreed by the 14 Malaysian muftis. He also chastised Anwar for violating the decision made by the JKF-MKI in 1986.²⁴³ Nevertheless, the JAKIM website states that it was on 5 May 2008, and not 1986, that JKF-MKI issued the fatwa. Even so, the 1986 decision was a Cabinet's decision and not JKF-MKI's. So far, only five *negeri* have gazetted the 2008 fatwa: Selangor, Perak, Kedah, Johore, Pulau Pinang and Sabah.

The official ulema now used fatwa as their vehicle to dominate the discourse. Lately, there has been a movement to treat all fatwas, including those issued by the JKF-MKI, as unchallengeable and binding, even though the law specifically states that only gazetted *negeri* fatwas have such standing. The 1996 Shia fatwa shows that the government has no authority to influence the ulema's decision. While most of the fatwas issued by the JKF-MKI were either neutral or supportive of the state's policies, individuals and groups closely aligned to UMNO leaders—such as SIS and Kassim Ahmad—have also been targeted. Thus, the assumption made by scholars that official ulema are synonymous with UMNO lackeys is not accurate.

²⁴³ This cabinet decision not only restricted the non-Muslims from using the term "Allah," but also other terms such as *Kaabah* (a cube-like structure in Mecca which indicates the direction Muslims pray to) *solat* (Prayers), and *Baitullah* (House of Allah).

Sustaining power to affect policies and other appointments

One of the trade-offs of co-optation is the requirement to support the state's ideology and policies. As will be discussed shortly, UMNO politicians expect official ulema to defend the party and the state ideology.²⁴⁴ Yet, by defending UMNO, as well as the Malay rulers, the official ulema are able to prolong their stay in office, which then increases their clout. I suggest that by prolonging their stay in the religious institutions, official ulema have a greater chance to promote their conservative views in the state's policy-making circles. They have also used their closeness to Malay rulers to provide them protection from UMNO's criticisms. Also, an important factor for ulema's capture is their duration in office. The older ulema are able to keep the younger ones at bay. Some have stayed in their positions long enough to be able to interpret the state's ideology to suit their own agenda. The following sections examine how the official ulema consolidated their authority through defending UMNO's policies and the position of the Malay rulers as the country's custodians of Islam. These sections also demonstrate how the ulema have been able to influence the state more successfully since Mahathir's retirement.

Supporting UMNO's ideology

Throughout the premierships of Mahathir Mohammad (1981-2003) and Abdullah Badawi (2003-2009), Malaysian muftis and JAKIM officials were active

²⁴⁴ Interview with Azhar Tuarno, 18 April 2013.

in supporting and promoting UMNO's ideology, policies, and slogans. Two such slogans are *Wawasan 2020* (Vision 2020) and *Islam Hadhari* (Civilisation Islam). *Wawasan 2020* manifests Mahathir's vision for Malaysia to be a developed country by year 2020. The slogan was first coined in 1991, but it continues to feature in contemporary official ulema publications and sermons. On the one hand, UMNO leaders expected the ulema to promote the concept by virtue of their position as civil servants. According to Azhar Tuarno, imam of Masjid Negara,

JAKIM officials are civil servants and must represent the views of the ruling party. They implement government policies as long as they do not contradict Islam. If they are not satisfied [with the government's policies] they can leave JAKIM. Whether you are happy or otherwise, as long as the laws are not contradictory to God's laws, we can enforce them. If you are not satisfied [with the government], there is always an election, and you can express your unhappiness in the election. As such, whoever is in the civil service, he must act in accordance to the Constitution.²⁴⁵

In September 2011, Jamil Khir, a minister in the Prime Minister's Office, made it clear that official ulema must support the state (UMNO's) ideology. During a congress attended by state officials, JKF-MKI members, and *negeri* ulema, Jamil said, "The official ulema need to strengthen and improve the administration of the Majlis Agama Islam [Islamic Religious Councils]. If the state has *Wawasan 2020* as its vision, we need to transform our religious institutions to parallel the state's vision" (*Bernama*, "Kongres Majlis Agama Islam Negeri Angkat Martabat Islam—Jamil Khir," 15 September 2011). Following Jamil's call, in 2014, JAKIM launched the Integrity Plan and Code of Ethics, where it pledged its commitment for the realisation of the national mission *Wawasan 2020* (JAKIM, 2014d, p.36).

²⁴⁵ Interview with Ustaz Azhar Tuarno, 18 April 2013

On the other hand, some ulema genuinely believe Wawasan 2020 and other UMNO slogans will accelerate Muslim development. In 2011, Nik Mustapha Nik Hasan, IKIM director, wrote a paper entitled *Dari Model Baru Ekonomi Ke Pencapaian Wawasan 2020* (From the New Economic Model to achieving Vision 2020). The paper highlights the failures of Western capitalism and secularism and asserts how Wawasan 2020 can correct these problems. He regarded the values promoted by Wawasan 2020 as promoting Islamic spirit, namely the spirit of *al-Adl Wal Ihsan* (Justice and Welfare). This spirit included resilience in economic development, harmonisation of the self and society, and harmonisation of public and private sectors (Nik Mustafa, 2011). Undeniably, the ulema's application of the slogan is at times rhetorical, but their continuous reference to the slogan shows their alignment with UMNO, because the opposition rarely used such concepts.

Under the Abdullah Badawi government (2003-2009), the official ulema were active in promoting Islam *Hadhari* (Abdullah, 2006). The government first introduced the concept in 2004 during the UMNO General Assembly. Abdullah Badawi titled his opening speech "Islam Hadhari and the Malay Agenda." There are ten values in Islam Hadhari: faith and piety in Allah; just and trustworthy government; freedom and independence to the people; mastery of knowledge; balanced and comprehensive economic development; good quality of life for all; protection of the rights of minority groups and women; cultural and moral integrity; protection of the environment; and a strong defence policy. Worthy of note, the 11th general elections was held on the same year Abdullah introduced

Islam Hadhari, where UMNO managed a resounding victory. The BN coalition (where UMNO is the leading party) won 63.9 per cent of the popular votes and secured 198 out of 218 seats in the federal parliament. Since Islam Hadhari became one of the main themes of UMNO's campaign, some would immediately link UMNO success to the concept.²⁴⁶

JKF-MKI, JAKIM, and IKIM ulema have been active in campaigning and socialising UMNO's Islam Hadhari. They continued to do so even though opposition ulema argue that the concept is rhetorical and political (Abdul Hadi, 2005).²⁴⁷ On 21-22 November 2005, JAKIM and IKIM jointly organised the "Islam Hadhari Seminar." In all, 11 papers were presented during the seminar. The main aim of the seminar was to explain to the public the significance of faith to God in ensuring Islam Hadhari's success. In 2005, JAKIM (2005) published *Konsep Islam Hadhari Satu Penjelasan* (The concept of Islam Hadhari: A Clarification) to clarify the concept to the public. The Islam Hadhari Mosque in Terengganu (Masjid Hadhari) was also built in the same year. The muftis had also committed themselves in promoting Islam Hadhari to the masses. Harussani Zakaria, the Perak mufti, pledged to support the contents and objectives of Islam Hadhari. He believed that Islam Hadhari will bring Malaysia greater prosperity and promised to explain what Islam Hadhari means to the Muslims at the grassroots level (*New Straits Times*, "Fatwa Commission thumbs-up to Islam Hadhari," 7 May 2005). Kelantan mufti, Dato' Muhammad

²⁴⁶ See Hoffstaedter, 2009, p.115. There is very little evidence, nevertheless, to suggest Islam Hadhari's contribution to UMNO's 2004 resounding victory. In 2008, UMNO suffered its worst electoral defeat while Islam Hadhari remained the thrust of its campaign. In that election, BN lost five negeri, did not win two-thirds majority in parliament, and only secured over 50 per cent popular votes.

²⁴⁷ Syed Farid Alatas opines that the concept Islam Hadhari is progressive. See Alatas, 2010.

Shukri, also supported Islam Hadhari. In an interview, he remarked "I am one of those who support Islam Hadhari, and asked critics to prove if it is not good. Critics say [Islam Hadhari] is a new religion. How is it a new religion? Civilisation Islam is encouraged by Islam. I don't see why it is not good."²⁴⁸

Discussions on Islam Hadhari, nonetheless, lost momentum since 2009 after Abdullah's retirement. Since then, JAKIM actively promote the concepts One Malaysia (*Satu Malaysia*) and Islam *Wasatiyyah* (Moderate Islam), coined by Prime Minister Najib Abdul Razak. In other words, they follow the rhetoric of the incumbent government. These UMNO slogans feature in Friday sermons and advisories issued by JAKIM. On 2 December 2011, a JAKIM Friday prayer sermon entitled *Persefahaman Asas Perpaduan Ummah* (Understanding Key to Unity of the community) stated, "In our nation, we have intelligent leaders. We must build on the concept of One Malaysia," clearly endorsing UMNO's ideology. The same sermon states that "In order to move forward to achieve Vision 2020, the government has introduced New Economic Policy that is based on economic transformation in order to improve social, economic standards" (JAKIM, 2011c). During the 2013 Prophet's Birthday (*Maulidur Rasul*) celebration, JAKIM published a document entitled *Wasatiyyah Tunggal Kesatuan Ummah* which means "Moderation: The Thrust for Unity" (Mohamad Kamil, 2013). The theme of the document coincided with Najib Abdul Razak's commitment to promote Islam *Wasatiyyah* (Moderate Islam) as part of the state's vision. Thus, UMNO's ideology guided the tone and theme of JAKIM's sermons and documents.

²⁴⁸ Interview with Mohamad Shukri, 7 April 2013

In addition, JKF-MKI members have given opinions inimical to the opposition. The muftis, for instance, openly condemned opposition rallies against the state. In 2012, the JKF-MKI issued an advisory discouraging Muslims participation in BERSIH 3.0 (Gabungan Pilihanraya Bersih dan Adil or Coalition for a Free and Fair Elections), a reform movement calling for free and fair elections (Aziz Jamaludin, 2012). JKF-MKI's Chairman Abd Shukor Hussin said "If such demonstrations were intended to topple a legitimate government that is chosen by the people, it is haram" (Nazura, 2012). The Kelantan mufti, Muhammad Shukri, warned Muslims against exploitation by certain interest groups by participating in the BERSIH rally (Zulkiflee, 2012). The ulema's warnings on BERSIH were questionable because the protesters were not trying to bring down the government through violence; BERSIH was only seeking electoral reform.

More controversially, in January 2014, Harussani classified those who attended the TURUN (Gerakan Turun Kos Sara Hidup or Movement to Reduce Living Costs) rally as "*bughah*" or rebellion against a just and Islamic ruler. In Islamic jurisprudence, it is legitimate to kill a person committing *bughah*. The TURUN rally was organised by opposition parties protesting against rising living costs in Malaysia (*Berita Harian*, "Harussani tak gentar kecaman," 4 January 2014). The rally demanded the government reduce prices of necessities, fuel and road tolls. Harussani was called in for questioning by the police though he was neither arrested nor charged for sedition.

Instead of criticising him for using the term bughah, Pahang mufti Abdul Rahman Othman defended Harussani and echoed his view that Muslims must not topple a "legitimate" government. According to the Abdul Rahman,

There may be people who think that Malaysian muftis are just trying to earn a living by saying this [not to topple a legitimate government]. But Muslims must remember that they have to resolve problems amicably through discussions, and not to criticise the government (*Berita Harian*, "Islam larang usaha guling, buruk kerajaan," 5 May 2014).

For the official ulema, maintaining UMNO's rule has two merits. First, they believe UMNO could not obtain Muslims' support on religious issues without them and the party would make many concessions to retain their services. UMNO leaders are not as competent as PAS ulema on Islamic matters, and they relied mostly on the official ulema to provide them with Islamic legitimacy. The official ulema were considered crucial to countering PAS. The government disbursed large sums from the yearly budget to Islamic institutions. In 2014, JAKIM channelled RM 885 million (A\$303 million) to the *negeri* religious councils (*The Malaysian Insider*, "Jakim peruntuk RM885 juta bagi perkembangan syiar Islam di seluruh negara tahun ini," 31 March 2014). RM 540 million (A\$185.4 million) of the budget is used to pay allowance for religious teachers, imams, and mosque administrators. The 2014 budget saw a 10 per cent increase from the previous year. The state has also upgraded welfare schemes for JAKIM ulema. In the 2014 budget, the Prime Minister announced that ulema who had served more than 15 years in JAKIM, and had passed their retirement age, would be given RM 300 (A\$103) a month (*Berita Harian*, "Teks Ucapan Bajet," 10 October 2014).

Second, the official ulema wanted to retain the UMNO government because PAS presents a threat to them. Some PAS ulema have already spoken about overriding the official ulema's powers if the opposition forms the next government. Nasruddin Tantawi said that in PAS-governed Kelantan, the party's ulema are more powerful than religious council members. Nasruddin, who is a PAS Shura member, remarked, "The PAS government in Kelantan makes laws. For example, we make laws on entertainment and tourism. The role of the Majlis Agama [religious council] is to enforce these laws."²⁴⁹ He also pointed out that if PAS becomes the federal government one day, it will control JAKIM. He said that PAS has the duty to "correct" the country and "reform" JAKIM.²⁵⁰ These two reasons demonstrate why official ulema were inclined to support UMNO, rather than the opposition, in many circumstances.

Supporting the Malay rulers

Apart from supporting UMNO ideology, the official ulema wholeheartedly defended the Malay rulers' constitutional role as the custodians of Islam and Malayness in the country. On 21 October 2011, JAKIM issued a sermon entitled *Majlis Agama Islam Negeri Pemacu Transformasi Ummah* (The state Islamic Religious Council a Catalyst for Social Transformation), which indicates Malay rulers' role as crucial for Malaysia's development. Quoting the Quranic verse 59 Surah *An-Nisa* (4:59), the sermon called on the Muslims to demonstrate their unquestioning loyalty to the King and the Malay rulers in their respective *negeri*. The sermon declared loyalty to Malay rulers to be part of Islamic teachings, and warned Malaysians not to criticise the religious councils

²⁴⁹ Interview with Nasruddin Tantawi, 10 February 2013

²⁵⁰ *Ibid.*

(JAKIM, 2011b).²⁵¹ In the same sermon, JAKIM called on the state to boost the powers of religious bureaucracies

We need to update the enactment [law] regarding the role of the religious councils so that they are given more authority. This will improve the councils' effectiveness and autonomy while remaining accountable to God and the Malay rulers. More importantly, the council should not be dragged into divisions in party politics.

The sermon concluded by cautioning Malays not to suffer like other nations, where "natives" are evicted from their own country (JAKIM, 2011b).

Every year, JAKIM will issue one Friday sermon to commemorate the King's birthday. For example, on 9th December 2011, JAKIM issued a sermon entitled "The Malaysian King: The Protector of Religion and State" (*Seri Paduka Baginda Yang Di Pertuan Agong Payung Agama dan Negara*). The sermon reminded Malaysians about the Malaysian King's position in the constitution Article 181(1), and that he has a duty to protect Malays' special privileges and legitimate interests over other ethnic groups. The sermon underscored the duties of the Council of Rulers, in ensuring Islamic laws apply to all aspects of Malaysian Muslims' social life (JAKIM, 2011d). The sermon closes with a prayer and call for Malays to be loyal to the King, and hopes that the King will continue to help develop the country. While such sermons are largely rhetorical, the official ulema are constantly reminding the Malays about the constitutional role of the Malay rulers as protectors of Islam and Islamic institutions in the country. They are also reminding the Malays of their own constitutional position, as

²⁵¹ The sermon was clearly targeted at the opposition's supporters and those who questioned the religious councils. In the same sermon, it was stated that "The position of the Islamic religious councils is often criticized and regarded as the agency of the government. The powers and authority of the religious councils cannot be questioned. The purity of our faith is dragged in politics and disunity. This affects the role of the religious councils."

advisors to the rulers. Implicitly, they remind the Malays that their position as Islam's gatekeepers in the country is only second to the Malay rulers.

There were occasions when official ulema defended the Malay rulers more resolutely than they would to UMNO leaders. In 2009, Harussani famously defended the Sultan of Perak at the height of the Perak constitutional crisis. During the crisis, four PR (Pakatan Rakyat) Perak assemblymen quit the party to become independent MPs who supported BN. The Perak Sultan stepped in and allowed BN to take over the Perak government, leading to opposition claims that the Sultan's move was unconstitutional. Harussani was quick to defend the Sultan, declaring Malaysians who criticised the Perak Sultan to be *menderhaka* or treacherous (*Utusan Malaysia*, "Tidak taat pada Raja adalah derhaka—Mufti," 7 February 2009). The Sultan's actions met with demonstrations, which accused him of overstepping his role as a constitutional monarch. In response to the protests, Harussani remarked

The Malays do not defy the Sultans. As Malays, they (demonstrators) should not be cursing, swearing, and destroying other people's property as Malay culture is refined. How can we say we are struggling for Islam when we behave in such an un-Islamic way? (*Bernama*, "Act that goes against Islamic culture and Islam teachings," 6 February 2009)

The Federal Territory mufti, Wan Zahidi Wan Teh, agreed with Harussani's defense of the Sultan of Perak.²⁵² He said, "It is obvious that the statement made by Harussani Zakaria recently on the need to be loyal to the Sultan of Perak is correct and in line with religious requirements (*syarak*). Classical ulema, the Quran and Sunnah of the Prophet, supported Harussani's views" (MAIWP Website, undated, p.4).

²⁵² Wan Zahidi stepped down in 2014.

Why are the official ulema so trenchant when defending the Malay rulers? First, they owe their appointments to the rulers. All Malay rulers—with the exception of Negeri Sembilan—have exclusive rights to determine mufti and council appointments.²⁵³ In Kelantan, the ruler has the right to reject the recommendation by the *negeri* secretary. Reading out his appointment certificate during an interview, Kelantan Mufti Muhammad Shukri emphasised the Sultan's authority in his appointment:

The letter of appointment of the Mufti of Kelantan, Alwasiq Billah Ismail Petra Ismail Yahya Sultan and King of Kelantan and his people, to the trusted Dato' Shukri, All Praises to God, and praises to the Prophet Muhammad, his family, based on Section 6/ 1982, I can appoint anyone as the Mufti of Kelantan. It should be known to everyone that with this appointment, based on the Islamic laws, that the mufti of Kelantan, from January 2008, is given the authority to deliver fatwa, in writing, to anyone or any organisation based on the enactment, and cultural laws (*adat*) of Kelantan 1994.²⁵⁴

Clearly, the official ulema support UMNO and Malay rulers. However, does supporting the rulers and UMNO render the ulema's capture less significant? As will be discussed shortly, co-optation allows the ulema to shape policies, counter the state's wishes, and even set the state's agenda in certain fields. Some ulema were able to prolong their stay in state institutions and not replaced by younger, better educated scholars; even though renewal process in other departments in the Malaysian civil service was expedited. Therefore, the greater official ulema expressed their loyalty to the state and rulers, the longer they will retain their position in state institutions.

²⁵³ As discussed in Chapter Three, since 1999, the Negeri Sembilan chief minister has the right to appoint the muftis.

²⁵⁴ This passage in the appointment certificate was read by the Mufti of Kelantan. Interview with Mohamad Shukri, 7 April 2013.

In Malay feudal society, the ruler acts as the protector of his subjects on the condition they showed unquestioning loyalty to him (Chandra, 1979). This argument remains relevant in contemporary Malaysian society. The Malay rulers reward ulema for the support given the monarchical institution and in return, the ulema retain their positions in the religious councils for as long as the rulers assent. In other words, even UMNO could not force the ulema into retirement without the rulers' consent. It is also a culture in the Malaysian civil service that respect seniority. As will be discussed in the following paragraphs, the senior ulema expect the younger ones not to challenge their authority. This culture has its roots in Malay society, which emphasises reverence for the elderly.

One mufti who has prolonged his stay in the religious bureaucracy is Harussani Zakaria, who has been serving as the Perak mufti since 1985. Before this appointment, he worked in the Perak religious bureaucracy.²⁵⁵ Harussani has been conferred many titles and state honours. In 2008, Harussani was named the *Tokoh Maal Hijrah 1430* (Maal Hijrah Person of the Year), a prestigious recognition awarded to Muslims for their contributions to Malaysia. In 2009, the Sultan of Perak conferred him with the title of "Tan Seri," a title that only 75 individuals in Malaysia can hold at one time. These awards were an addition to the awards received much earlier in his career (Azman et al., 2008, p. 62). The Perak royal family has been retaining Harussani's services for the last three decades despite him only having a diploma in Islamic education. Harussani

²⁵⁵ He is also concurrently sitting in various committees, both at the state and federal levels, which I will discuss in another section in the chapter.

managed to stay in his position this long even though Malaysia has produced hundreds of Islamic Studies graduates and PhD holders every year. This suggests personal ulema power has been established, which undermines corporate aspects of official ulema.

Anecdotal evidence from activists who frequently interacted with the muftis and JAKIM officials provide clues to Harussani's dominance in the JFK-MKI. He wields significant influence in the committee because he is the most senior mufti in Malaysia. According to Ratna Osman,

The Majlis Fatwa Commission...has its own politics. When it comes to agreeing which fatwa is the most credible, it does not go through a process. But it goes through seniority. It is a question of who is the most senior ulema. A junior ulema may come out with a strong argument, but seniority that matters. It is never about *maslahah* (public good).²⁵⁶

Another mufti who activists see as playing a dominant role in the JFK-MKI is Nooh Gadut. He was the former mufti of Johore from 1999 to 2008. Marina Mahathir confirms Harussani's and Nooh Gadut's dominance in the JFK-MKI more than other muftis. According to Marina,

In the Fatwa Commission, you are supposed to have discussion. Somebody is supposed to prepare a paper. But in reality, there may be a paper prepared, but the discussion is among a few people. The chief is Harussani [mufti of Perak]. You should talk to Nooh Gadut [implying that he is the other powerful figure].²⁵⁷

Why are Harussani and Nooh Gadut "untouchables" in the JFK-MKI? The two muftis had close ties with their states' royal families. The closeness of Nooh Gadut with the Johor royal family is demonstrated by his appointment as the advisor to MAIJ (Majlis Agama Islam Negeri Johor or Johor Islamic Religious

²⁵⁶ Interview with Ratna Osman, 7 February 2013

²⁵⁷ Interviews with Ratna Osman and Marina Mahathir, 7 February 2013

Council) after his retirement as Johore mufti in 2008. Even after Nooh was replaced by his deputy, Mohd Tahir Samsudin, he continues to be in the public limelight, making more religious pronouncements than his successor.

These senior muftis also dominate the discussion in the Muzakarah JKF-MKI. Former JKF-MKI member, Mohd Asri, recounted how seniority matters in the JKF-MKI meetings, which to some extent, marginalised young muftis such as him. Recalling his experience in the committee, "In the JKF-MKI, there is no equality. In the meetings, they are not happy with my ideas, even though they are based on sound religious arguments...Some of my evidences and arguments are ignored because they argue on the basis of seniority of the muftis."²⁵⁸ One example Mohd Asri gives where his ideas were rejected by senior muftis is whether a child born out of wedlock can be named after his father. A Muslim normally carries the name of his father.²⁵⁹ The practice in Malaysia is that a person born out of wedlock cannot carry the name of the father, but "Abdullah" (servant of God). Hence, such a person carries the name "Bin Abdullah" (for male) or "Binte Abdullah" (for female). Mohd Asri was concerned about the social stigma this practice will have on the child and urged that a person born out of wedlock can be named after the father. The senior members of the JKF-MKI, however, turned down his opinion.

Thus, the muftis are rewarded with titles and contract renewals in the religious councils for their loyalty towards UMNO and Malay rulers. Pro-UMNO and rulers

²⁵⁸ Interview with Mohd Asri, 21 April 2013.

²⁵⁹ For example, a Muslim man's name Ahmad Bin Isyak means Ahmad is the son of Isyak. For a woman's name, Mariam Binte Ahmad means Mariam is the daughter of Ahmad.

muftis stay longer in the JKF-MKI compared to others, allowing them to dominate and shape discussions (and fatwas). Some muftis have overstayed in their positions to the extent that their powers have outgrown what was originally intended by UMNO. Arguably, the muftis have become more conservative than UMNO in championing for Malay supremacy. They have also exerted pressure on the state to adopt more pro-Malay and Islamic policies that threaten the multi-cultural fabric of Malaysia.

Shaping and directing state policies: The case of Harussani

The official ulema have used their closeness with the state to push their conservative ideas in policies and government regulation. These ideas reflect the discourse of the Islamic resurgence of the 1970s that calls for greater Islamisation of state and society in Malaysia. The powers of the official ulema today, arguably, have transcended those originally intended by the state.

As the mufti of Perak for the almost 30 years, Harussani can express his conservative ideas publicly without any sanctions or disapproval from the state. He has issued controversial statements through the mainstream media—including the UMNO-owned *Utusan Malaysia*—that embarrassed the state. During the Abdullah Badawi government, many of his remarks ran counter to the state's interest. On 8 July 2006, Harussani made the unsubstantiated remark that 100, 000 Muslims in Malaysia had become apostates. This remark elicited a response by Muslims and non-Muslims alike (Liow, 2009, p. 51). Even though no evidence was cited, YADIM's Patron, Mohd Nakhaie Ahmad, later echoed his views (*myMetro*, "Gejala murtad tinggi," 27 July 2008). Harussani's

views on apostasy have shaped public opinion about Christian proselytization and evangelicalism. The alarmist overtones of Harussani's views increased mistrust between Muslims and non-Muslims. Many Islamic NGOs such as ISMA (Ikatan Muslimin Malaysia or Malaysia Muslim Network) and ABIM had come out publicly to pressure the state to halt all efforts to convert Muslims out of Islam.

The official ulema's conservative stance complicated cases involving religious conversion cases, such as that of Lina Joy, which had been ongoing since 2001. Lina Joy was not allowed to remove the word "Islam" from her identity card without obtaining Shariah Court Order, even though she had converted to Christianity. In Malaysia, Muslims cannot marry people of other faiths without the non-Muslim converting. The Lina Joy case is about the right of personal choice of faith; yet, the official ulema's depiction of it as Islam versus Christian evangelism, and fanned by Harussani's statement, sensationalised the case into a national controversy. In 2007, the Federal Court—the country's highest court—turned down Lina Joy's appeal to have the word Islam removed from her identity card.

For being long enough in the service, and obtaining protection from the Perak royal family, Harussani has the freedom to express his views without fear of retribution from the state. Harussani admitted

The government mainly pointed out the cases [that requires a religious ruling], and my job is to issue a fatwa. I have never been forced to adopt the position of the government. I have never been influenced by the government. If I say it is

permissible and the sultans says it is okay, and then we shall gazette the fatwa. This is law.²⁶⁰

There is truth in Harussani's claim. In 2008, he created a public outcry when he declared the "Sure Heboh" carnival organised by TV3 as "haram" (forbidden) in Islam (*Bernama*, "No TV3 Jom Heboh carnival in Perak this year," 27 April 2008). The "Sure Heboh" carnival was organised by the UMNO-linked television station TV 3 that featured top entertainers and artists. Harussani labels this carnival as promoting immoral activities. While the carnival continued despite Harussani statement, the organisers made changes to the celebrations by reducing the Western cultural content and promoting family values instead.

Harussani claimed that he can request to see the prime ministers at any time, and they have never turned him down. He professed to be in constant contact with Prime Ministers Tun Abdul Razak and Mahathir when they were in power. He also said to be in close contact with Najib Abdul Razak. Describing his closeness with some of the Prime Ministers, he remarked that:

I am very close to three prime ministers. The first one is Abdul Razak, Najib's father [likely before he became mufti of Perak in 1985]. For many other people, they require your appointment to see him. I don't. I can just call him and he will take immediate action. There were three instances that I met him. I was very satisfied with the meetings. The other Prime Minister that I have close relations with is Mahathir. He is a close friend. But only some of my advice was accepted, others were not. I have criticised him. I advised him not to break up the Malays. But he formed a new UMNO [in 1987].²⁶¹

Harussani also admitted that he had held several closed-door meetings with Prime Minister Najib Abdul Razak. The meetings with Najib normally concerns Malay issues. UMNO politicians also see the benefits of having close ties with

²⁶⁰ Interview with Harussani Zakaria, the Mufti of Perak, 7 May 2013.

²⁶¹ Interview with Harussani Zakaria, 7 May 2013.

Harussani. His relations with PAS ulema, especially Nik Aziz, have been frosty. As mentioned earlier, Harussani warned Nik Aziz not to belittle Malaysian muftis.

However, Harussani confessed that his relationship with Abdullah Badawi is not as cordial as with other prime ministers. Even though he claimed to support Islam Hadhari, Harussani had criticised the Abdullah Badawi government and adopted positions that contradicted those of the state. Harussani's rulings on Malay culture and traditions at times tainted the state's appeal to moderate Islam. In March 2011, Harussani declared the Poco-Poco—a form of line dancing—as un-Islamic. He declared the dance originated from Christianity (Roshidi & Lai, 2011). Harussani voiced his opinion on the Poco-Poco before the JKF-MKI formally met on 20 April 2011 to discuss the dance's status. Earlier in 2008, Harussani declared Yoga—a form of meditation—as un-Islamic because it originated from Hinduism. In that same year, the JKF-MKI issued a fatwa echoing Harussani's views. While the fatwa declared that the moves and sitting postures in Yoga are permissible, it also states that Muslims must be careful not to taint their faith with such practices. So far, the Perak, Federal Territory, Kedah, and Malacca have gazetted the Yoga fatwa. Later, Prime Minister Abdullah had to intervene and contradict the JKF-MKI declaring Muslims can practise Yoga as long as it does not contain Hindu "elements" in it (*Reuters*, "Malaysia backs down from yoga ban amid backlash," 26 November 2008).

In another instance, Harussani, along with several other official ulema, was not supportive of Abdullah Badawi's efforts in promoting inter-civilisation dialogue. The muftis rejected such dialogues even though one of the tenets Islam Hadhari emphasises is "Protection of the rights of minority groups and women" and "Cultural and moral integrity." Abdullah Badawi expressed his regret towards the muftis. He said,

It's not been easy to get inter-faith dialogue going. It's not that I did not meet people (of other faiths). I did but there is still a lack of understanding of what inter-faith means. Just like plurality, there is misunderstanding when talking about pluralism. People do not understand what interfaith dialogue is, especially the muftis (Welsh & Chin, 2013, p. 7).

The ulema's support for dialogues has not been forthcoming, and many Malaysian Muslims are sceptical about them. In 2006, human rights groups *Aliran* and *Article 11* planned to organise an interfaith dialogue in Penang. The dialogue would serve as a platform to clarify controversial race and religious issues in Malaysia. However, the event was cancelled after protest by about 500 Malays. In April 2010, Harussani was adamant that Muslims should not participate in dialogues. He protested against the state's plan to set up a committee dealing with inter-religious issues. He said, "Other faiths should not be seen as occupying the same position as Islam. Any form of dialogue that can corrupt the sanctity of Islam should be avoided" (*Utusan Malaysia*, "Perak Bantah Badan antara Agama," 13 April 2010). Other popular Islamic preachers later joined in to reject interfaith dialogue. They rejected the call for dialogue by the MCCBCHST (Malaysian Consultative Council of Buddhist, Christianity, Hindusim, Sikhism, and Taoism). Prominent preacher, Dr Ridwan Tee posited

...the decision of Muslims not to participate in the Malaysian Consultative Council of Buddhist, Christianity, Hindusim, Sikhism, and Taoism (MCCBCHST) and the Inter-faith Council (IFC) is the right one, as it prevents them from being 'trapped.'

Even then, they [non-Muslims] have not given up and continue to pressure us [Muslims] (cited in Norshahril, 2010a, p. 156).²⁶²

In sum, the official ulema's embrace of UMNO's ideology, and their unquestioning support for Malay rulers, are no longer manifestations of passivity. They undertook these tasks because it is part of the co-optation pact. Nevertheless, the ulema capitalised on their closeness with state officials to shape and direct state policies. Some muftis used their close relations with the Malay rulers to prolong their stay in the religious councils and thereby expand their power. The ulema have strengthened their power base in the councils and JKF-MKI to such an extent that they can ignore the state's directives. This has been largely the case since the Abdullah Badawi government.

Ulema defying authority

The most important measure of successful capture is when official ulema can disregard the states' orders. The following paragraphs demonstrate how Malaysian official ulema have moved from being UMNO loyalists to a group that can defy the party. During the Mahathir era, ulema dared not express their disagreements with the government openly. Ishak Baharom, the former Selangor Mufti, said that Malaysian muftis are generally careful not to offend the state even though they disagree with it. For example, in the 1990s, JKF-MKI members were divided about the status of ASM (National Trust Fund Scheme or Amanah Saham Nasional) and ASB (Bumiputera Trust Fund or Amanah Saham Bumiputera), which were state-owned trust schemes. Although some

²⁶² This is based on my MA research.

muftis viewed these schemes as un-Islamic, they chose not to voice their disagreements publicly in order not to create problems with the state (Ahmad Lutfi, 1997, p. 79). In 2008, JKF-MKI finally relented to the state's wishes. It issued a fatwa declaring the scheme as *harus* (encouraged). However, only the MAIWP had gazetted the fatwa, which demonstrates that the ulema continue to feel the scheme as not encouraged in Islam.

One of the earliest open disagreements between a mufti and Mahathir occurred in 1997. This episode was documented in Ahmad Lutfi's (1997) *Mufti Lawan Mahathir?* (Mufti versus Mahathir?). The controversy began when the then Selangor mufti, Ishak Baharom referred to Mahathir as *murtad* (an apostate) during a sermon in Ipoh. Although he denied making the statement, he later argued that some of the statements made by the cabinet ministers could lead to apostasy. Ishak retired as mufti later that year, which led to speculation that his disagreements with Mahathir resulted in him being sacked from the post.

Since then, there were instances where the JKF-MKI ulema defied state's demands, though most of them occurred towards the end of Mahathir's rule. In 2002, the state appealed to the JKF-MKI to issue a fatwa admonishing Nik Aziz for labelling Allah as "Samseng" (a Thug), arrogant and more wicked than any other human being. UMNO leaders accused Nik Aziz of insulting Islam. The JKF-MKI refused to issue a fatwa, but urged all Muslims to respect God (Van Dijk, 2007, pp.63-64). In another instance, Kelantan Mufti Muhammad Shukri pointed out how the state requested him to issue a fatwa banning political parties carrying the term "Islam." The state's attempt was intended to target

PAS. The Kelantan Mufti turned down the government's request and conversely said the use of the label Islam for political parties is not only permissible but highly encouraged (*harus*). According to Mohamad Shukri, "When we make a decision, it is based on law. It is not based on interest. This perception [about being co-opted] is normal."²⁶³

Similarly, the muftis refused UMNO's request to declare the *Amanat Hadi Awang* (Hadi Awang's Message) as deviant. In 2001, JAKIM, through the instruction from UMNO, directed the muftis to gazette the *Amanat Hadi Awang* as deviant teaching (JAKIM, 2013a). UMNO members claimed that in 1987, Abdul Hadi Awang, a PAS ulema, categorised UMNO members as infidels. The JKF-MKI rejected UMNO's request. Only the Malacca religious council issued the fatwa. On 25 July 2002, the council issued and gazetted the fatwa declaring the *Amanat Hadi Awang* as contrary to Islamic teachings, contradicting public's and Muslims' interests, and flouting the principles of dakwah. The fatwa forbids Muslims from selling, distributing, purchasing, or owning the amanat (JAKIM, 2013a).²⁶⁴

Conversion of minors to Islam controversy

Under the Abdullah Badawi government, the ability of the official ulema to influence policies that contradict the state became more common. The religious conversion of minors issue demonstrates how official ulema could bring additional influence and pressure to bear on the government. Article 12 of the Federal Constitution states, "The religion of a person under the age of 18 year

²⁶³ Interview with Mohamad Shukri, 7 April 2013

²⁶⁴ See fatwa on Amanat Haji Hadi.

shall be decided by his parent or guardian." The constitution also indicates that words in the singular include the plural and vice-versa. Still, there were contrasting interpretations of what "parent" means in legal terms, particularly whether it applies to only one or both parents. These contrasting interpretations were at the core of a divorce case *Shamala Sathiyaseelan v Dr Jeyaganesh C Mogarajah* in 2002. Both Jeyaganesh and Shamala were Hindus when they were married, but Jeyaganesh converted to Islam and secretly converted their two children to Islam while he was still married to Shamala. Shamala said it was illegal for her husband to convert her children to Islam without her consent, which also meant that the children would face difficulties converting out of Islam later.²⁶⁵

In 2009, the de facto law minister in the Prime Minister's Department, Nazri Aziz, pointed out that the cabinet is against such unilateral conversion and on the 22 April 2009, the cabinet decided that one parent cannot decide on conversion (*New Straits Times*, "Let them decide at 18," 5 July 2013). Several opposition members of parliament, including DAP (Democratic Action Party) Chairman Karpal Singh wanted the law amended and the term "parent" to be made clearer to explicitly state both parents (*New Straits Times*, "Let them decide at 18," 5 July 2013). However, the 2009 cabinet proposal was not

²⁶⁵ The High Court initially awarded Shamala custody of the two children, while the Shariah Court awarded it to Jeyaganesh. The case raises questions on whether the Shariah court order on custody matters have jurisdiction over Shamala who is not a Muslim. After a series of legal challenges, in 2004, the High Court ruled that both Shamala and Jeyaganesh have joint custody over the two children. Shamala has care and control of the two children, but is not permitted to teach them her religious values, and they were not allowed to consume pork (*New Straits Times*, "Child Conversion Issue Goes up to Federal Court," 29 April 2009). A series of court hearings followed for contempt of court by Shamala. The case was finally referred to the Federal Court, which in November 2010, refused to pass any judgements because Shamala was absent.

discussed in parliament as expected. Instead, on 26 June 2013, the government introduced a bill for the Federal Territories that allowed one parent to consent for the religious conversion of a child. On 1 July the same year, Deputy Prime Minister Muhyiddin Yassin defended the bill even though acknowledging it contradicted the 2009 cabinet's decision. It was, he claimed, in line with recent court decisions and the constitution (Syed Jaymal, 2013).

Why did the government not table the 2009 cabinet decision in parliament, instead tabling a contradictory bill in 2013? Nazri cited that the Council of Rulers rejection of the 2009 decision (Sivanandam, 2013). The Council of Rulers apparently acted on the advice of the JKF-MKI, which held a Muzakarah on the 23-25 June 2009, discussing the issue. During that sitting, the committee issued a fatwa declaring that conversion of a minor by the one parent is in line with Islam. The fatwa states that when one parent converts to Islam, the religion of the minor is automatically Islam, and the child is placed under the care of the Muslim parent. The fatwa indicates that under the Federal Constitution Article 12 (4), one parent or guardian can decide the religion of a person under 18 (JAKIM, 2013a).²⁶⁶ At least two muftis publicly supported the government to pass the 2013 Bill. The mufti of Selangor, Taymes Abd Wahid, argued that a minor must follow the religion of the Muslim parent. Similarly, Harussani argued that single-parent conversion of minors to Islam has always been the practice in Islam and cannot be disputed (*The Malay Mail*, "Selangor, Perak muftis tell critics of child conversion law to back off," 1 July 2013). This controversy demonstrates how official ulema convinced the Malay rulers to pressure the

²⁶⁶ See Fatwa 2009/87/4 entitled "Status Agama Anak Bawah Umur Selepas Salah Seorang Pasangan Memeluk Islam" (The Status of a Minor when one of the parents converts to Islam).

state to ignore the cabinet's 2009 decision. The government withdrew the Bill in face of public opposition but promised to redraft and resubmit it. It remains to be seen which party will get their way in the matter.

The "Allah" controversy

The "Allah" controversy, which started during the Abdullah Badawi government but continued on to the Najib government, demonstrates official ulema's ability to rally radical groups to pressure the state. In May 1986, the Federal cabinet, following earlier actions by the Terengganu government in 1980, banned non-Muslims from using the term "Allah" in their publications or rituals. Other terms that were also described as exclusive to Muslims include *kaabah* (a cube-like structure in Mecca which indicates the direction Muslims pray to); *solat* (prayers) and *baitullah* (house of Allah). However, the state did not strictly enforce the policy until January 2007, when the Home Affairs Ministry declared *The Herald*, a weekly Catholic publication, to desist from using the term "Allah" to describe God. The ministry threatened it would not renew *The Herald's* permit if the publication continued using the term (Masilamany, 2007). The Home Ministry's declaration sparked protests and the initiation of legal action by Christian groups who argued the move curtailed religious freedom. On 5-8 May 2008, the Muzakarah JKF-MKI discussed the issue and declared the term "Allah" is exclusive to Muslims. Harussani then urged the Home Affairs Ministry not give in to pressure for the use of the term by non-Muslims (*Utusan Malaysia*, "Bantah guna perkataan Allah," 28 February 2009).²⁶⁷

²⁶⁷ Even Indonesian artists were not excluded from this ban. Agnes Monica's song, *Allah Peduli* (Allah cares), was banned because it contains the verse "sebab Allah Jesusku mengerti" or "Allah My Jesus understands" (*Utusan Malaysia*, "Haramkan lagu nyanyian Agnes Monica," 14 March 2009).

Between the end of 2009 and early 2011, several court and state's decisions seemed to allow non-Muslims using the term. On 31 December 2009, the High Court contradicted the Home Affairs' directive and ruled that *The Herald* can refer "Allah" as God. This decision sparked a number of Muslim protests and bombings of churches, and the official ulema pressed the state not to concede to the Catholic newspaper's demands.²⁶⁸ In April, a day before the Sarawak *negeri* elections, the Prime Minister issued a 10-point solution that allowed the *Al-Kitab*, the Malay version of the Christian Bible to be printed, distributed, and carry the word "Allah."²⁶⁹ In essence, the 10-point solution states that Bibles of all languages can be imported into Malaysia. Bibles can also be locally printed and distributed without any restrictions, though those to be exported for Peninsular Malaysia must include the term "Christian publication" and cross signs stamped on the front covers. The Prime Minister and ministers also pledged they would conduct regular meetings with Christian representatives to resolve any issues facing the Christian community. It has to be pointed out that the 10-points were not issued as a solution to the "Allah" issue, but to the problem of the confiscation of around 30,000 copies of Malay and Iban-language Bibles in Sarawak—and some other 5,000 Bibles in Port Klang—for using the term "Allah." The Catholic Church then argued that since Malay-language Bibles were allowed to contain the word "Allah," then logically, *The Herald* should also be allowed to use the term (Su-Lyn, 2013).

²⁶⁸ As a result of this decision, between 8 and 13 January 2010, radical Muslim groups attacked a number of churches in Selangor, Sarawak, Malacca, Johor and Negeri Sembilan.

²⁶⁹ The agreement was made between the cabinet and Christians to appease the Christian community in Sarawak and Sabah, in the run up to the Sarawak *negeri* elections that year.

However, on 14 October 2013, the Malaysian Court of Appeal overturned the 2009 High Court ruling, and declared *The Herald* could not use the term Allah. There were various interpretations to the Court of Appeal's ruling. The Muslim Lawyers Association said the ruling only applied to *The Herald* (Zachariah, 2013). Cabinet Ministers Joseph Kurup and Maximus Ongkili argued that the ban would not affect Christians in Sabah and Sarawak (Gomez & Zachariah, 2013). Nazri Aziz, then the Tourism Minister, said Christians from Sabah and Sarawak could not use the term in the Peninsular while Home Affairs Minister, Ahmad Zaid Hamidi, said *The Herald* could not even use the term in the East Malaysian *negeris* of Sabah and Sarawak (Anbalangan, 2013). In June 2014, the Federal Court, the highest court in Malaysia, upheld the Court of Appeal's ban and rejected the challenge by the Malaysian Roman Catholic Church. Although there were many arguments forwarded by civil activists about the use of the term Allah by non-Muslims in many parts of the world, the court claimed that Christian evangelical groups use of the term "Allah" might confuse Muslims.

Prime Minister Najib then assured Malaysians that the courts' ruling only apply to *The Herald*, meaning there is no prohibition for the term appearing in Bibles (*Channel NewsAsia*, "Another case in M'sia tests ban on use of 'Allah,'" 30 June 2014). Najib announced that he was committed to honouring the 2011 10 point-agreement, which in essence, allowed Bibles in all *negeris* to use the word "Allah." He also urged the issue not to be politicised further. According to Najib

When the Appeals Court made its decision on the use of the word Allah, it did not at all touch on the practices of Christians in Sabah and Sarawak...The 10-point agreement remains (that allowed Bibles of all language to be imported into Malaysia and Bibles to be printed locally in Peninsular Malaysia, Sabah and Sarawak) (BBC, "Malaysia "Allah" court ruling: PM Najib speaks out," 22 October 2013).

However, Najib insisted that *negeri* laws should take precedence over the Cabinet's 10-point solution, which means that non-Muslims use of the term depends on the Malay rulers' assent and *negeris'* religious enactments. Indeed, in November 2013, the Selangor Ruler, Sultan Sharafuddin Idris Shah Al-Haj reminded his citizens to obey the Selangor Non-Islamic Religious Enactment 1988, which prohibited usage of Islamic words by non-Muslims without the *negeri* government's authority. He reiterated that JKF-MKI had issued a fatwa barring the use of the term "Allah" by non-Muslims, and that the Selangor Fatwa Committee had also gazetted the fatwa. He urged *Al-Kitab* and *The Herald* to respect these religious rulings and the Court of Appeal's decision (*The Malay Mail*, "As 'Allah' case drags on, Selangor Sultan insists on non-Muslim ban," 14 November 2013).

More importantly, the official ulema ignored Najib's call that the courts' decision only applies to *The Herald* and his guarantee that Bibles can use the term "Allah." On 2 January 2014, religious officials from JAIS conducted raids on BSM (Bible Society Malaysia), confiscating Bibles. JAIS confiscated 321 *AlKitab* (Bibles) because they contained the word "Allah." During the raid, JAIS also detained BSM president, Lee Min Choon, and manager, Sinclair Wong. The Selangor government, then under Chief Minister Khalid Ibrahim, urged the AGC (Attorney General's Chambers) to take action against JAIS and the AGC ordered JAIS to return the seized Bibles. Yet, JAIS refused to do so and even declared it would continue to arrest those who distribute Bibles in the *negeri* (Akil, 2014). JAIS only relented after the Selangor Sultan ordered the Bibles be

returned to the Association of Churches in Sarawak but not to be redistributed in Selangor. The Bibles were to be marked with instructions which prevented their distribution in Selangor. The Sultan's decree clearly showed no regard for Najib's 10-point solution, and urged all parties to respect the Selangor Islamic Enactment 1988 that prohibited Bibles from using the word "Allah." This episode demonstrates how the official ulema could defy decisions by the federal government and the Selangor government by co-operating with the Malay rulers. The "Allah" issue shows official ulema are not passive actors who simply take orders from the incumbent government. This does not only apply to the federal government but *negeri* governments too.

With reference to the official ulema in Selangor, Marina Mahathir said that they could disregard the PR (Pakatan Rakyat) government of the *negeri*.²⁷⁰ Abdul Aziz Bari, a former IIUM lecturer, claimed that Selangor has three governments: Sultan, the chief minister and JAIS (Abdul Aziz, 2014). The Selangor government does not wield any powers to curb JAIS because they answer to MAIS and the Sultan. Earlier, in August 2011, JAIS officials raided Damansara Utama Methodist Church as they suspected the church members of conducting proselytization activities among Muslims. In June 2013, JAIS stormed a Hindu wedding because they thought the bride was a Muslim. These are some illustrations where JAIS acted without the Selangor government's consent.

Why can the official ulema defy the state?

Malaysian official ulema have shown they can act coherently as a unit against external challenges. They were also able to forge key alliances with radical civil

²⁷⁰ Interview with Marina Mahathir, 7 February 2013

society groups to support their cause. The unity showed by the muftis, IKIM scholars, Perkasa (Pertubuhan Pribumi Perkasa Malaysia or Malaysian Glorious Indigenous Association), and ISMA (Ikatan Muslimin Malaysia or Malaysian Muslim Network) in pointing out the exclusive use of "Allah" by Muslims allowed them to contradict the cabinet's decision. IKIM Director, Syed Ali Taufik Al-Attas said "...the term Allah is a proper name which is never shared by others throughout the history of language. The term Allah is not "communicable both in reality and in opinion" (Al-Attas, 2008). IKIM scholar, Md Asham (2008), also said that Islam's reference to Allah could never be the same how other religious communities use the term. In 2013, Abdullah Zaik, ISMA's President, issued a stern warning to the Malaysian Council of Churches and Penang Chief Minister Lim Guan Eng for requesting the state allow Christians use of the term "Allah." He reiterated his support for the Home Ministry and JFK-MKI's fatwa in banning the use of the term in all Christian publications (*Portal Islam & Melayu*, "Kenyataan ISMA berkenaan isu kalimah Allah," 10 January 2013). In the same year, Perkasa expressed its disappointment with Najib's 10-point solution and requested the Council of Rulers to intervene (*The Malaysian Insider*, "Kalimah Allah: Kecewa dengan UMNO, Perkasa gesa Majlis Raja-Raja campur tangan," 25 January 2014).²⁷¹

²⁷¹ The "Allah" controversy is not the only example that shows Selangor official ulema's defiance of the federal government's wishes. In 1997, JAIS officials arrested and handcuffed three Muslim women for participating in a beauty pageant. The Selangor Mufti them, Ishak Baharom supported the officials' actions (*New Straits Times*, "Selangor Mufti: Action against beauty contestants justified," 7 July 1997). In 2005, JAWI officials conducted a raid of the Zouk Night club. During the raid, Muslims were told to assemble separately from the non-Muslims so that the Muslims can be charged for indecency. One hundred Muslims were detained during the raid and were locked up for more than ten hours. They were told to parade in front of the religious officers so that they can determine whether the attire is appropriate. Prime Minister Abdullah Badawi and Arts Minister Rais Yatim disapproved the raids, calling for a review of the laws concerning such operations (Lau, 2005). Neither the Selangor mufti nor the Federal Territory mufti reprimanded the religious officials' conduct.

Also, ulema at the federal level co-operated well with the religious machinery at the *negeri* level. The JKF-MKI members do not voice their differences opinions publicly, and they do not welcome dissenting voices within the institution. Former Perlis Mufti, Mohd Asri, claims that he was a victim of the collective responsibility and disciplining which took place at the JKF-MKI.²⁷² Once the JKF-MKI has issued a fatwa, there has never been an instance when muftis came out publicly to issue contradictory statements. The differences in opinions are only manifested whether the JKF-MKI's fatwas are gazetted or not in the various *negeri*. Besides, there is a high level of secrecy into the meetings in the fatwa committees, both at the federal and the *negeri* levels. The public only know such fatwas are passed when they are gazetted and enacted in the shariah courts.

Moreover, the official ulema were able to tap into factional tensions within the state. This factor also applies to the MUI case discussed in the previous chapter. MUI's ability to garner the support of Suryadharma Ali, Gamawan Fauzi and Sudi Silalahi convinced the Indonesian state to restrict the Ahmadiyah teachings. Within the current Malaysian cabinet, there are conservatives sympathetic towards the official ulema cause. They include the Minister in Prime Minister's Department, Jamil Khir, and the Minister of Home Affairs, Ahmad Zahid Hamidi. In June 2014, Jamil Khir told parliament that Malaysia is not a secular state, but an Islamic Malay Sultanate government (*The Straits Times*, "Malaysia not a secular state: Islamic affairs minister," 17 June 2014). Jamil Khir's statement departs from the tenets of the Malaysian constitution, which upholds secularism (based on the drafters of the

²⁷² Interview with Mohd Asri, 21 April 2013.

constitution, Reid Commission). In another example that reflects the conservative voices in the Cabinet, Ahmad Zahid Hamidi approved the dissemination of an anti-Christian book *Pendedahan Agenda Kristian* (Exposing the Christian Agenda) published by the Islamic Religious Council of Selangor (MAIS) and Universiti Teknologi Mara (UiTM). Ahmad Zahid said that the book was not banned as it is mainly for research purposes (Ng, 2014). Ahmad Zahid's conduct was consistent with the warnings about the dangers of Christian evangelism issued by the official ulema and religious bureaucrats.

The official ulema also establish key allies in the judiciary, including the members of the Attorney-General's Chambers. The Attorney General's Chambers has been tasked to oversee the shariah law-making processes. Under Mahathir's rule, more laws, including criminal and family laws, were placed under shariah statutes. "Islamic" crimes include lesbianism, fornication, sodomy, prostitution, eating during the day of Ramadan, and alcohol consumption. Certain crimes are deemed to be exclusively Islamic even though there is a common penal code for Malaysians (Maznah 2010, p. 515-516). Several civil activists interviewed mentioned Mahamad Naser Disa, formerly the head of shariah division in the Attorney-General's Chambers, as the person responsible for clamping down on liberal groups. After Mahamad Naser was appointed as a member of the SSM (Suruhanjaya Syarikat Malaysia or Companies Commission Malaysia), a body that regulates the corporate sector, he began targeting human rights groups such as SUARAM (Suara Rakyat Malaysia or The Voice of Malaysians).²⁷³ Mahamad Naser has been promoting the exclusive use of the term Allah to Muslims. Zulkifli Mohamad al-Bakri, the

²⁷³ Interviews with Ratna Osman and Marina Mahathir, 7 February 2013.

current Federal Territory mufti of, has openly endorsed Mahamad Naser's view (Zulkifli, Rashidy, & Mohd Aizam, 2013, p. 43). Hence, the ability of the official ulema to have sympathisers and like-minded individuals in the cabinet and judiciary strengthened the official ulema's capture.

Enhancing authority beyond domains specified by the state

A measure of successful co-optation is the state's ability to constrain the authority of the official ulema as they work in the state-sponsored institutions. However, the Malaysian official ulema have been expanding their powers beyond institutional domains the state originally intended for them. This section highlights how official ulema extended their authority beyond the platforms or roles defined by the state. They have emerged from their original roles as the Malay rulers' and state's advisors to become social commentators who shape public opinion. Furthermore, they have been able to obtain appointments in key positions in non-religious institutions.

Official ulema as political and social commentators

Under the leadership of Prime Ministers Abdullah Badawi and Najib Abdul Razak, the muftis frequently appear in public commenting on current affairs. The subjects they are required to speak on include politics, economics and culture. They also regularly appear on mainstream television channel RTM 1 or mainstream newspapers *Utusan Malaysia* or the *Berita Harian* (Malay Daily). RTM hosted a weekly program featuring the muftis called *Bicara Mufti* (Conversations with Muftis). The program features one mufti every week and

they speak on issues pertaining to morality, laws, and faith. Besides, IKIM also hosts Web television and radio channels that feature the official ulema. In the past, the muftis were less visible in the public's sphere as they mainly function in the *negeri* religious councils. The traditional mainstream media has given the official ulema additional platforms to participate in national discourse on top of the new media is more popular these days.

Some muftis have become "celebrity" public commentators. One of them is Mohd Asri, former Perlis Mufti, who was regularly invited to be a panelist in religious forums. In addition, he also served as a panelist for political forums during the 2008 and 2013 general elections.²⁷⁴ He was active as a social commentator even when he was a mufti (2006-2008), but received more invitations after his resignation. Mohd Asri was a regular contributor to *Utusan Malaysia* (a national newspaper run by UMNO), *Malaysian Insider*, and kept a blog.²⁷⁵ Given his popularity, there were rumours that the state offered him the position of Head of YADIM (Yayasan Dakwah Islam Malaysia or Islamic Da'wah Foundation Malaysia) after he resigned as Perlis mufti in 2008. His popularity continued after he stepped down as mufti, and he was asked many times to speak on opposition and state's platform, which he rarely turned down. For example, on 21 April 2013, Mohd Asri spoke at the *Ke Arah Malaysia Sejahtera* (Towards a Prosperous Malaysia) forum, which discussed issues in the run up

²⁷⁴ Born in 1971, was probably one of the youngest muftis ever to be appointed in Malaysia when he was appointed as the Mufti of Perlis in 2006. In 2008, he refused to renew his contract.

²⁷⁵ Mohd Asri is an expert in hadith, and he obtained a bachelor's degree in Arabic and Shariah (Islamic Law) from Jordan University. He later completed his Masters at the University Sains Malaysia (USM), the university, in which he is currently based, and later completed his PhD from the International Islamic University of Malaysia (IIUM). Some would consider Mohd Asri's views as modernist, other prefer to call him Wahhabi (Norshahril, 2010b).

to the 2013 elections. This forum was largely pro-opposition.²⁷⁶ Occasionally, he was invited as a discussant to the UMNO General Assembly.

Apart from Mohd Asri, the other muftis have also publicly commented on political and economic issues. The muftis see themselves as having abilities to provide "Islamic" perspectives on current affairs. For example, Harussani was approached to comment on political issues before the Malaysian general election in 2013. On 24 August 2011, Harussani was a panellist for *Forum Ulama Politik—Untuk Dakwah atau Parti?* (Political Ulema: Struggling for Islam or Party?). The forum was organised by *Sinar Harian* and held in Shah Alam, Selangor. Journalists also solicit muftis' views on political and economic issues. As previously mentioned, the Kelantan mufti, journalists approached Kelantan Mufti Muhammad Shukri for comments on the BERSIH rally.

Some muftis comment on current affairs even though they were not approached by journalists. The Mufti of Sabah, Bungsu@Aziz Jaafar, once made a sensitive remark on *Sinar Harian* that called for more Malay unity through Malayisation of Sabahans (Nizam, 2013). His comments offended some Sabahans, particularly the indigenous communities who maintained their identities as distinct from Malays. In 2014, the Pahang mufti, Abdul Rahman Osman, urged all Muslims to support the federal government's Goods and Service Tax (GST). The state's plans to introduce the GST have divided the country and the opposition has questioned the timing of the implementation. Yet, the Pahang mufti has openly endorsed the government's decision. Hence, the muftis have stepped beyond

²⁷⁶ I attended the forum and conducted participant observation.

the domains of the religious bureaucracies and religious councils commenting on national, political and economic issues, areas not specifically related to their domains.

Apart from commenting on current affairs, the official ulema have also been directly involved in politics. In 2008, Dr Mohd Asri was requested by UMNO to run against Wan Azizah (PKR Presiden and Anwar Ibrahim's wife) for the Permatang Pauh seat in Penang (Zulkifli J, 2008). Dr Mohd Asri was still the Perlis mufti when the election was held on 26 August 2008. For the 2013 general elections, both UMNO and PAS invited Mohd Asri contest for 2013 elections.²⁷⁷ There was speculation that the current mufti of Perlis, Juanda Jaya would run as a PKR candidate for GE 13. He later denied this speculation and said he has always been an UMNO voter. On the other hand, Harrussani has been an active member of Perkasa activities, a right wing group that champions Malay supremacy even more so than UMNO leaders. Some official ulema in the past have also participated in politics. Ustaz Firdaus Ismail, the Imam of the National Mosque, ran on UMNO's ticket in the 1999 General Elections against Keadilan (Malaysia's Justice Party) president Wan Azizah Wan Ismail for the Permatang Pauh seat. While the official ulema have increased their prominence in the public domain, in most instances they supported the state. Yet, there were instances in which they took a different position from the state.

²⁷⁷ This is based on my conversations with Mohd Asri and his followers during a public forum on 21 April 2013.

Having muftis occupying other influential institutions shows their authority spreading wider than the religious domain. They are appointed in important decision-making positions in the non-Islamic banking and business sectors. For example, Harussani Zakaria and Nooh Gadut are advisors to the SC (Suruhanjaya Sekuriti Malaysia or Securities Commission Malaysia). The functions of this commission include supervising exchanges and central depositories; approving authority for corporate bond issues; and regulating take-over and mergers of companies (Suruhanjaya Sekuriti, 2013). Nooh Gadut is also member of the Advisory Council for the KFC Holdings Malaysia BHD. They secure these appointments even though their training is largely in religious sciences.

In addition, ulema have the power to determine which publications can be allowed into the country. Harussani, for instance, is the head of the book censorship committee in JAKIM.²⁷⁸ The committee recommends to the Home Affairs Ministry books that should be banned. In February 2012, the Home Ministry, on JAKIM's advice, banned 12 books because they "threatened" public order and morality. These books include *Akhirnya Ku Temui Kebenaran* (I see the truth at last) and *99 Wariat Imam Ja'far Ash-Shadiq Lentera Hati* (99 guidelines from Imam Ja'far Ash-Shadiq, the light of the heart). These books are banned because they promote Shiism (*The Malaysian Insider*, "Home Ministry bans 12 books, citing public order, morality— Bernama," 4 February 2014). In 2012, the book *Kebebasan dan Cinta* (Liberty and Love) by Irshad

²⁷⁸ At the federal level, he was a distinguished member of the JKF-MKI and IKIM (Azman et al., 2008, pp. 60-61).

Manji was also banned by the Home Ministry, although the ban was later removed by the High Court because the English version of the book had already been in public circulation since the previous year.

Harussani is also the chairman of the LPPPQ (Lembaga Pengawasan dan Perlesenan Pencetakan Al-Quran or Quran Printing Control and Licensing Board), a conservative body that oversees printing of the Quran. In April 2014, the LPPPQ and the al-Quran Texts Review and Assessment Committee called for the amendment of the existing Printing of Quranic Text Act 1986. The amendment would make it illegal for Quranic verses as amulets to be displayed on premises for business purposes. The Home Minister, Ahmad Zahid Hamidi, promised the tabling of the amendment in parliament (*New Straits Times*, "Quran prints to be regulated," 16 April 2014). Ahmad Zahid later invited the LPPPQ to become Ministry Home Affairs' advisors (*Borneo Post*, "Police, MCMC to join forces against those insulting Prophet," 19 June 2013).

Universities have also appointed muftis and former muftis in academic positions, even though most of them do not hold PhD degrees, and have never undertaken academic research. In August 2012, the UUM (University Utara Malaysia or Northern University of Malaysia) appointed Harussani, Hassbullah Abd Halim (former Kedah mufti) and Mat Jahya Hussin (former Perlis Mufti) as adjunct professors. They were also made advisors and consultant in matters concerning Islamic affairs in the university, especially at the Islamic Centre (*Bernama*, "Mufti, former muftis appointed as UUM adjunct professors," 10 August 2012). Harussani's highest qualification is a Diploma in Education,

which he attained in Kolej Islam Malaya in 1950s. He claimed, however, that this diploma is equivalent to a Bachelor's degree from Al-Azhar University in Egypt.²⁷⁹ On the other hand, Hasbullah's highest qualification is a Bachelor's degree from Al-Azhar, while Mat Jahya obtained a Masters degree from USM (Azman et al, 2008, p.17; p.63). Their appointments to academic positions seem to owe more to their positions as muftis, rather than academic qualifications.

Compared to other official ulema, Harussani holds the highest number of appointments in religious and non-religious domains. Table 4 shows his appointments at the federal and *negeri* levels. They show how Harussani has penetrated domains outside his expertise and formal training. These appointments show he plays a significant role in the economics, education, finance, and politics sector, even though his training was only in the religious sciences.

Table 4. Other appointments of Harrusani Zakaria

Position	Institution	Federal or Negeri	Nature of Institution
Chairman	Perak Syariah Council	Negeri	Religious
Board Member	Perbadanan Kemajuan Ekonomi Perak	Negeri	Economics
Member	Majlis Agama Islam dan Adat Melayu Perak	Negeri	Religious
Board Member	IDC Urus Ladang Sdn Bhd	Negeri	Economics
Board Member	IDC Urus Niaga Sdn Bhd	Negeri	Economics

²⁷⁹ Interview with Harussani Zakaria, 7 May 2013.

Patron	Persekutuan Seruan Islam Negeri Perak	Negeri	Religious
Senator	Dewan Negara Negeri Perak	Negeri	Political
Board member	Kolej Islam Darul Ridzuan	Negeri	Educational
Executive Member	Majlis Keutuhan Negeri Perak Darul Ridzuan	Negeri	Political
Member	JKF-MKI	Federal	Religious
Member	Lembaga Teks Al-Quran Ministry of Home Affairs	Federal	Religious
Member	IKIM	Federal	Religious
Chairman	Penyelaras Dakwah dan Pembelajaran Negeri	Negeri	Religious
Member	Majlis Pengawasan Syariah Takaful	Negeri	Economics
Chairman	Penapisan Bahan-Bahan penerbitan berunsur Islam	Negeri	Religious

Source: (Azman et al., 2008).

Some may argue that Harussani's appointment to these positions is only to provide advice in matters pertaining to shariah, but these appointments nonetheless show a societal trend that wants Islamic "perspectives" on a broad range of issues. This trend derives from the Islamic resurgence movement that always questions modernity as a "secular" project. Ulema ride on this trend providing their interpretations of "Islamic" modernity.

Other revenue related captures

In the previous chapter, I discussed MUI's attempts to consolidate their authority in the halal certification and shariah economics sector. It is generally successful in the shariah economics sector, but its success was limited in the halal certification sector. LPPOM-MUI has been unable to monopolise and

shape the halal certification sector the way it wanted, and its role remained disputed from Suharto's time. These two sectors are also important for the official ulema in Malaysia because they generate income and lucrative business opportunities for the religious institutions.

The following paragraphs assess the extent the Malaysian official ulema have been successful in capturing the halal certification and Islamic economics sector. More broadly, their ability to generate income and allocate resources in their favour will be examined. I consider both the official ulema and the state mutually benefitting from the two sectors. In these sectors, the state and official ulema are not competing with one another, but they propelled Malaysia to become one of the biggest halal and Islamic finance hubs in the world. The level of authority the state accords to the official ulema in halal certification and Islamic economics varies. JAKIM oversees the country's halal certification sector but their involvement in Islamic economics is small. The federal government has regulated the industry, which falls directly under the purview of the central bank. This does not mean that their capture in Islamic economics is non-existent. Arguably, official ulema's capture in halal certification is institutional, whereas in Islamic economics, personal. I then take the discussion of personalised capture to the muftis' position in the religious bureaucracy itself. I contend that the muftis were not striving as hard as Indonesian ulema in doing business because they are occupying the higher rungs of the civil service.

Halal-certificates in Malaysia are issued either by JAKIM or by the JAIN (*negeri* religious departments). JAKIM's halal certificates apply to both the international and domestic markets, whereas JAIN's apply to domestic markets only. Apart from issuing halal certificates for food products, JAKIM also certifies cosmetics. The federal government does not allow private companies to participate in halal certification (*Berita Harian*, "Hanya JAKIM, JAIN keluar sijil halal," 2010, 26 July). JAKIM's monopoly of halal certification has led it to become one of the largest halal exporters in the world. According to the 2013 *Nikkei Asian Review*, Malaysia exported RM 10 billion (A\$3.5 billion) of halal products (Tan, 2014). Some consumer groups have raised concerns about JAKIM's and JAIN's monopoly of halal certification. However, Jamil Khir denied rumours that JAKIM and JAIN made huge profits out of it. The rates for halal certification are: RM 200 (A\$ 70) for small industries; RM 400 (A\$ 141) for medium industries; and RM 800 (A\$283) for large-scale industries (*myMetro*, "Jakim tak raih keuntungan," 5 May 2012).

JAKIM and JAIN employees are active in conducting spot-checks to ensure that halal certification is not abused (*myMetro*, "Kosmetik halal dijamin kualiti," 17 May 2008). These spot-checks are conducted at least once a month. Businesses or food operators found abusing JAKIM's halal labels would have their certificates suspended. (Halal Malaysia Website, 2011). Its Indonesian counterpart, LPPOM-MUI, does not have JAKIM's capacity, efficiency and manpower. As discussed in Chapter Six, LPPOM-MUI is even struggling to monitor compliance for the halal certificates it has issued. LPPOM-MUI's

relative weakness in this aspect is part of Suharto's legacy that did not finance the institution to fulfil this role.

The official ulema adopted conservative attitudes towards food consumption habits with the hope to expand JAKIM's halal certification business. In 2010, JAKIM Director, Datuk Wan Mohamad Sheikh Abdul Aziz reminded Malaysian Muslims who intended to break their fast (in Ramadan) in hotels to patronise restaurants carrying JAKIM's halal certificates (*myMetro*, "Pastikan berbuka di hotel diiktiraf halal," 28 July 2010). Wan Mohamad added that restaurant operators should not serve cuisines that Islam forbids.

In May 2014, JAKIM's credibility was hurt by the Cadbury controversy. The Ministry of Health detected two samples of Cadbury chocolate—Cadbury Dairy Hazelnut and Cadbury Milk Roast Almond—containing traces of pig DNA (porcine). This created a public outcry because these chocolates carry JAKIM's certificate (*New Straits Times*, "Jakim has taken Cadbury chocolate samples from factory for tests," 1 June 2014). The JKF-MKI stepped in and declared the chocolates to be halal though some Muslim consumer groups and opposition politicians wanted to take Cadbury to court. Mahfudz Omar, PAS Information Chief, was one of those who urged JAKIM to sue Cadbury (*The Malaysian Insider*, "DNA babi: Jakim patut dakwa Cadbury bukan pengguna, kata ahli Parlimen PAS," 29 May 2014). Later, JAKIM declared that the Ministry of Health had erred in raising the contamination issue in the first place because subsequent lab tests detected no contamination occurred.

Compared to the halal certification sector, the official ulema's role in the Islamic banking industry is smaller, though it remains significant and powerful. In Malaysia, the Central Bank and the SC oversee the Islamic banking sector. In 1983, the Islamic Banking Act was enacted leading to the establishment of the country's first Islamic bank. On 1 March 1993, the state established the SC to manage Malaysia's capital market, and the body reports to the Ministry of Finance. The Central Bank also oversees the national Islamic insurance scheme or *Takaful*. In 1985, with the passing of the Takaful Act/1984, Malaysia's first Islamic insurance company was established. Besides, the Central Bank also resolves disputes pertaining to Islamic finance and insurance. In 2010, the Central Bank published the *Shariah Resolutions in Islamic Finance* which compiles all the resolution cases between 1997 and 2009 as a guide for future disputes (Bank Negara Malaysia, 2010).

Malaysia's shariah banking and finance sector has recorded significant growth since the 1980s. This resulted from the Malaysian federal government's involvement in backing and regulating this sector, which began a decade earlier than the Indonesian central government. In 2007, the Takaful sector recorded total assets amounting to US\$2.8 billion (A\$3.2 billion). By 2010, Islamic banking assets had increased to US\$65.6 billion (A\$75.5 billion) with an annual growth of 18-20 per cent (Bank Negara Malaysia, 2010).

Since Islamic economics is highly regulated by the Malaysian state, have the official ulema failed in capturing this sector? Mahathir developed this sector since taking power in 1981 and the development of this sector had always been his response to Islamic resurgence. His eagerness in developing this sector also emerged out of his desire to make Malaysian Islamic discourse parallel his capitalistic and industrialisation agenda. Mahathir's policies limited the official ulema involvement.

Although Islamic finance sector is highly regulated by the state, the official ulema have been able to ride on the state's efforts to carry out state capture at both personal and institutional levels. Key state financial institutions in Malaysia have appointed JAKIM officials and muftis as advisors. JAKIM Director, Wan Mohamad, sits in the shariah advisory body of the Bank Negara Malaysia (BIMB Holdings Berhad, 2009). He is also an Exco member of the MIFC (Malaysia Pusat Kewangan Antarabangsa or Malaysia International Islamic Financial Centre), which is a network of Malaysia's financial regulators that includes Central Bank, Kuala Lumpur Stock Exchange, ministries and agencies and private enterprises (MIFC Website, 2014). The Mufti of Pulau Pinang, Hassan Ahmad, is currently one of the eleven members of the MPS (Majlis Penasihat Syariah or Syariah Advisory Council), for the period of 2013 to 2016. The main task of this council is to provide guidelines and arbitration for financial institutions (*Berita Harian*, "Bank Negara umum anggota baru MPS," 9 November 2013). This appointment is carried out by the Malaysian Central Bank but must be endorsed by Malaysian King.

Hassan's appointment in the MPS demonstrates how a mufti, within his personal capacity, can play a powerful role in the shariah banking and finance sector. Established in 1997, the MPS has the powers to ascertain whether Islamic banking business, *takaful* (Islamic insurance), and financial business are in line with shariah principles (Lindsey & Steiner, 2012, p. 126). It also oversees and regulates the SSBs (Shariah Supervisory Board), which are tasked to monitor transactions in Islamic banks whether shariah-compliant. The SSB functions like the DPS in Indonesia, except that SSB's rulings are binding on the banking and finance sector. The MPS also advises the SC on matters dealing with shariah. The MPS has the authority to determine if products listed in the stock exchange are shariah compliant (Md Nurdin, 2009, pp.138-141). Since 2003, the state accords the MPS exclusive authority in Islamic finance so that any case before the civil courts involving Islamic finance has to be referred to it (Lindsey & Steiner, 2012, p. 126). Thus, regulations issued by MPS members have the powers of gazetted fatwas at the *negeri* level.

JAKIM also plays a role in the shariah economics sector. JAKIM acts as the secretariat for the conference of MPS (JAKIM, 2011a, pp.17-18). It also runs a journal on shariah economics entitled *Jurnal Muamalat*. In addition, it facilitates research on the shariah economics and provides guidelines to Muslims about the subject. Its research focuses on the following aspects: multi-level marketing (MLM), currency exchange through online, shares trading via online, and online business (JAKIM, 2011a, pp.18). JAKIM also organises seminars, conferences, and training courses for officials involved in shariah economics. Thus, in the shariah economics sector, the Malaysian official ulema have been able to

capture the state at personal and institutional levels in the shariah economics sector. On one hand, the state has invited some muftis and senior official ulema to be advisors in shariah financial institutions. On the other hand, JAKIM has played a supportive role in the sector.

Muftis as senior bureaucrats

There are other aspects in which being an official ulema is beneficial. The level of income attained by official ulema is generally high and stable; they are paid salaries similar to top-ranking non-ulema in the civil service. This salary excludes payments received for additional teaching or preaching. It also excludes those obtained by being appointed in positions external to the religious bureaucracy. The position of muftis equals to senior bureaucrats in the civil service. In 2012, the Minister Jamil Khir suggested that the muftis have the same payment as a state executive committee member. The muftis' pay would then be equal to that of a minister at the *negeri* level (Hussaini, 2012). There were also attempts to promote the position of the deputy muftis to a higher level in the civil service: from S44, S48 to S52 to S54. Scales S52 and S54 are equivalent to directorship levels in the civil-service. The following table indicates a guide to the salary scale of civil servants in Malaysia.

Table 5. Salary scale for civil servants

Grade	Minimum Pay (RM)	Maximum Pay (RM)	Annual Increment (RM)
S54	5830.00 (A\$2006)	9562.90 (A\$3291)	320.00 (A\$110)
S52	5531.25 (A\$1903)	8955.52 (A\$3082)	290.00 (A\$99)
S44	4193.30 (A\$1156)	8219.84 (A\$2446)	270.00 (A\$85)
S41	3362.91 (A\$656)	7114.68 (A\$2337)	250.00 (A\$77)

Source: (Jabatan Perkhidmatan Awam Malaysia, 2013, p. 54).

If one takes the Selangor Executive Members' pay as a guide, the mufti of Selangor's pay could be as high as RM 10, 000 (A\$ 3535) a month since 1 January 2014 (*Sinar Harian*, "MB, Adun Selangor naik gaji mulai 1 Januari 2014," 27 November 2013). Selangor's case however can be considered an exception. *Sinar Harian* reports that the pay Kelantan Exco members is about RM 5,400 (A\$1908) without allowance. The pay could be between RM 8,000 (A\$2828) to RM 12, 000 (A\$4242) a month when allowance is added to it (Habsah, 2013). The crux of the issue, nevertheless, is that the ulema are paid as high as *negeri* ministers, and this is how the state acknowledges their status.

Former Perlis Mufti, Dr Mohd Asri admitted that the official ulema generally occupy the middle class or upper socio-economic class. The senior official

ulema receive many entitlements and they can use those for personal benefit.

According to Dr Mohd Asri,

The government's budget given to the official ulema is huge. From the directors to the ordinary officers in the religious bureaucracy, every year they receive an increment to their salaries. Their cars and office chairs are luxurious. I am not sure if they go on overseas for work or for leisure. With that amount of budget that they receive, they need to solve society's problems...I am disappointed that these official ulema who received huge budget from the government cannot become the society's icon (Mohd Asri, 2010, pp. 336-337).

One rarely hears of any corruption involving the religious establishment in Malaysia. In 2014, the Malaysian Transparency International conducted a survey on public's perception towards corruption of Malaysian public institutions. The findings showed that Malaysians perceive religious institutions as the least corrupt, compared to others such as political parties, judiciary, police and NGO (Transparency International Malaysia, 2014, p.18). However, there have been times when the public questioned the transparency of managing zakat and Haj funds. In 2011, Jamil Khir's wealth received media scrutiny after it was found he renovated his luxurious house at Kampung Batu Muda (Selangor). He denied the allegations, claiming that he used his own money for the renovations (Syed Mu'az, 2011). Still, the public wanted to know how he was able to accumulate so much wealth since he had only been a minister for three years when the media raised the issue. The public claimed that his monthly salary was not more than RM 15, 000(A\$5143), and to be able to finance the renovations was impossible. Jamil Khir replied to these allegations that he was a former Major General in the army and currently receiving pension. Apart from Jamil Khir's case, there were other isolated cases of mismanagement of Haj funds from the Tabung Haji. In 2001, Tabung Haji loses RM 200 million (A\$71 million) through investments in Metrowangsa Asset

Management. Six senior staff from Tabung Haji was questioned by the ACA (Anti-Corruption Agency) to explain for the decision to invest in a risky business (A. Firdaus, 2002). The agency reported no wrongdoings.

In short, there are several advantages for being an official ulema. Apart from receiving a monthly salary, the person also receive other benefits of a civil servant, and status. Being official ulema do not prevent them from teaching religion privately or engaging in business. Some official ulema travel overseas, especially Singapore, to give sermons. The organisers mostly fund these trips and the ulema received two to three times the amount they receive by giving talks in Malaysia.²⁸⁰

Wither moderate Islam in Malaysia?

Overall, the Malaysian official ulema have been successful in meeting their capture objectives. They have been able to dominate the religious discourse and affect policies. Moreover, there have been instances where they have defied the state, asserted their authority beyond religious domains, and generated additional revenues. Mahathir's policies in the 1980s and 1990s shaped the contemporary ulema's objectives. Their empowerment allows them to act autonomously from societal pressure. Their success in Islamic economics and halal certification were outcomes of state's infrastructural and capital investments. Overall, the state upgraded ulema institutions and then accorded them with powers that MUI could not match.

²⁸⁰I obtain this information through conversations with Singapore imams.

The Malaysian ulema's success is measured by their ability to influence government's policies through their conservative brand of Islam. The behaviour of the official ulema's does not help Prime Minister Najib's quest to build an image of a progressive, moderate and inclusive Islamic country internationally. The views and behaviour of the official ulema do not reflect a progressive image, which contradicts the slogans One Malaysia and Islam *Wasatiyyah*. Conversely, their behaviour only cemented UMNO's image as a conservative and chauvinistic party. Marina Mahathir reflected on the challenge posed to the Najib government. She felt that unlike her father, Najib was too weak to confront the official ulema's conservative agenda. According to Marina,

And I think this is particularly the case since 2003. Since my dad [Mahathir] stepped down, suddenly now you have a PM [Najib] who wants to talk about religion. And the trouble with (UMNO) is that they think they have to contest for votes based on religion, so they competing with PAS. But they have gotten worse now because they are on very shaky ground religiously. There are not man people now who know about religion. My dad (Mahathir) was willing to 'berlaga' (head on) with these people. But you get one like Najib, who does not know [about Islam]. And the people around him do not know [about Islam].

On UMNO's weakening position today compared to under Mahathir's rule, Marina said,

UMNO is on shaky ground to fight the Malay votes with PAS through religion. It is secular. So it is trying to get all this 'imam' *muda* (young imam) to come and shore up [support for it], which comes to show how insecure it is. Where is the original contestation with PAS? Before, it's PAS wanting hudud. Now everybody wants to have hudud; even Wanita UMNO [UMNO women's wing] wants hudud!²⁸¹

While the Malaysian prime ministers after Mahathir hope to reunite Malaysians, the ulema's discourse, which continues to fan ethnic and religious mistrusts, did not help UMNO leaders' cause. Abdullah Badawi's failure to curb UMNO's

²⁸¹ Interview with Marina Mahathir, 7 February 2013

extreme right-wing groups internal and external to UMNO proved costly for the party in the 2008 elections. During the 2005, 2006, and 2007 UMNO General Assemblies, UMNO youth-wing (*Pemuda UMNO*) made several insensitive and chauvinist remarks that angered the non-Malays. UMNO Youth Chief then, Hishammudin Hussein, hoisted the *keris* (a dagger) during that three assemblies, which signified as a warning to other communities not to question Malay supremacy. UMNO leaders were also ineffective to tackling issues facing minority communities. In the run up to the 2008 elections, the Abdullah Badawi BN government failed to address the demands by HINDRAF (Hindu Rights Action Force). The movement wants the government to guarantee Hindu rights and cultural heritage after several UMNO *negeri* governments ordered the demolition of Hindu temples. BN's inability to appease the growing resentment amongst the Indian and Hindu community contributed to weakening support for the ruling coalition.

Occasional comments made by the official ulema caused further distrust between Muslims and non-Muslims. Earlier, I mentioned the implication of Harussani's unsubstantiated claim regarding Muslims converting to Christianity. In 2011, Selangor mufti Tamyas Abdul Wahid said that many new Muslim converts reverted to their previous faiths. He posited that they converted to Islam because they wanted to marry Muslims, and once the marriage failed, they left Islam (Fernandez, 2011). The mufti's comments sparked criticisms from HINDRAF chairman P Waythamoorthy, who suggested that the state and religious establishment were trying to persecute non-Muslims in the country by constantly blaming them for Muslims converting out of Islam (Fernandez, 2011).

Similarly, Najib Abdul Razak's inability to resolve ethnic tensions and curb the official ulema's conservatism contributed to the ruling coalition's even poorer performance in the 2013 election.²⁸² While there are many factors that contributed to BN's poorer showing, including Malaysians' unhappiness with the failing economy, ethnic tensions, elite corruption, and effective opposition campaign, official ulema's conservatism only aggravated tensions between Muslims and non-Muslim further, and this turned voters to the opposition. Beginning in 2010, UMNO began co-opting Salafi ulema into the party, and in 2013, they had been given a formal role in the party through the formation of ILMU (Ulama Muda UMNO or UMNO Ulama Youth) (Mohamed Nawab, 2014, p. 219). ILMU had adopted conservative positions, which included asking Malaysian Airlines to stop serving alcohol on its flights (Fathul Bari, 2014).

Also, the prime minister had repeatedly failed to condemn Malay-rights groups such as Perkasa, ISMA, and JATI (Jalur Tiga: Islam, Melayu dan Raja or Three Streams: Islam, Malays, and Royalty), in which the official ulema are involved.²⁸³ Harussani, for example, is an ardent supporter of Perkasa, and has received an award from the right-wing organisation (*Utusan Malaysia*, "Harussani dianugerah Bintang Perkasa Negara," 10 December 2012). Likewise, ISMA has also defended the views of Sabah mufti on the need to

²⁸² Even though it retained federal government and regained the state of Kedah (after losing it to PAS in 2008), BN's popular votes were lower than the PR. Prime Minister Najib- quoted in *Utusan Malaysia*- was quick to attribute the poor performance of the ruling coalition as a 'Chinese tsunami' (*Utusan Malaysia*, "Apa lagi Cina mahu?," 7 May 2013).

²⁸³ These are right wing Malay-Muslim groups that promote the ideology of Islam, Malays and Raja. These groups are however largely unconnected. For instance, Perkasa is strongly linked to UMNO, while JATI is formed by Dr Hassan Mohammad Ali, former PAS Vice-President.

"Malayanise" Sabahans (*Portal Islam & Melayu*, "ISMA: Kenyataan Mufti Sabah benar jika rujuk sejarah," 12 October 2013). The coalition of the official ulema with these extreme groups would further marginalise the support of the non-Malays towards UMNO.

Conclusion

This chapter shows the relative success of the Malaysian official ulema capture of the state. More competitive political environments since the 1997 Asian financial crisis, especially after Mahathir's retirement in 2003, has given the opportunity for the official ulema to shape the country's Islamisation agenda. As a result of co-optation, the official ulema inherited the institutions created or strengthened under the Mahathir government. Since 2008, the official ulema have the flexibility to switch alliances between UMNO and/or Malay rulers. At times, though rarely, they took sides with the opposition. The official ulema have buttressed their authority in monopolising Islam, to the extent that it does not tolerate any parties from questioning their religious rulings. The authority accorded to them by the state since 1988, which was mainly to win over the Islamic resurgence and counter an increasingly Islamist PAS, is either used to strengthened the state's policies or challenge them. Moreover, the conservative attitude of the official ulema has hindered UMNO's desire to project an international image as a progressive and moderate Islamic country.

The Malaysian official ulema have utilised three modalities of capture presented to them. First, they have exercised their authority as recognised in the laws and

regulations beyond the means originally intended: as advisors to the Malay rulers and state on religious affairs. Second, the official ulema supported UMNO's and Malay rulers' ideology. This ideological homogeneity secured their positions in the religious institutions and prolonged their stay in the religious bureaucracies. The official ulema then claimed the right to define how this ruling ideology is in line with Islamic principles. Third, the official ulema practise collective responsibility and elite cohesion effectively when responding to external challenges by state, civil society, and PAS. The official ulema institutions are equipped with efficient religious bureaucracies and think-tanks—JAKIM and IKIM at the federal level—and the religious departments in the various *negeris*. Indirectly, these institutions elevated the prominence of the muftis at the *negeri* levels. This is manifested in the increasing prominence accorded to the JKF-MKI, even though the fatwas issued were legally non-binding. The official ulema have also forged key alliances with radical groups such as ISMA and Perkasa which supported them in the drive for greater Islamisation in the country.

The muftis are more visible in the public domain during the Abdullah Badawi and Najib Abdul Razak administrations than the Mahathir era. They began to comment on issues beyond the religious domain, including being critical of government's policies and programmes. The official ulema also sit in important positions both at the federal and *negeri* levels. They are invited to sit in important bodies that may not be in line with their own training. Some assert great influence in the censorship board and financial sector, as well as being actively involved in NGOs. Nevertheless, the official ulema's success in meeting

the aims of capture does not mean their powers are not challenged by the state, PAS, and civil society. In line with Migdal's state-in-society approach whereby state and society constantly construct their authority vis-à-vis one another, UMNO continues to ensure that the official ulema authority are kept in check. While the official ulema know that there are limits which they should not cross, they have generally captured the state in ways the state had not intended in their co-optation strategy.

Chapter Eight

Conclusion

If one were a graduate of an Islamic university, would a career as a Malaysian mufti, JAKIM official, or MUI ulema be a good option? During my interview with the Perak mufti, Harussani Zakaria, he remarked, "People say the state instructs me what to do. I have served for 28 years and never once did the Perak Chief Minister tell me what to do...I don't follow his instructions. Islamic laws are clear!"²⁸⁴ Likewise, Amirsyah Tambunan, MUI vice-secretary, said, "People think Suharto is so powerful that he can influence everybody. However, MUI has always been independent!"²⁸⁵ These dilemmas facing official ulema have been the heart of this study.

Existing writings by Islamic studies scholars have been generally sceptical about the power of official ulema to influence states. The common perception is that ulema cannot fulfil the tasks Islam has entrusted to them as legatees of the Prophet once they co-operate with the ruling elites. In other words, once ulema serve within state-sponsored institutions, they lose the autonomy to make credible and objective religious judgements. Saeed's account, which opened this study, argues for the decline in authority of the official ulema in the modern world. Non-official ulema interviewed during my fieldwork also felt that participation in state-sponsored institutions compromises ulema's authority.

²⁸⁴ Interview with Harussani Zakaria, 7 May 2013

²⁸⁵ Interview with Amirsyah Tambunan, 8 January 2013.

Nevertheless, the findings of my study suggest that co-operating with the state does not necessarily detract from the official ulema's authority or power. The preceding chapters demonstrate how Indonesian and Malaysian ulema responded to and capitalised on state co-optation. Instead of being passive actors receiving orders from the states that co-opted them, ulema have devised strategies to capture parts of the state based on the objectives they had set for themselves.

This study's findings are consonant with recent scholarship on Middle Eastern ulema which has also questioned the perception that official ulema are passive or biddable. Meir Hatina (2009a), Levy (1983), Marsot (1973) and al-Atawneh (2009) underscore official ulema's ability to resist state co-optation and determine their own agenda. My study builds on these scholars' observations and, at the same time, applies political science theories such as pluralism, corporatism and state-in-society to conceptualise its empirical findings. Among these theories, Migdal's state-in-society approach best explains the study's empirical findings because it focuses on the interplay between state and society leading to their mutual influence upon each other. Thus, the study is not entangled in the ineffectual exercise of classifying states and societies as strong or weak. Instead, it accepts that states and societies are strong in certain aspects and weak in others. The bigger question is what factors determine these strengths and weaknesses. The concept of co-optation is applied to measure state's ability to ensure that social actors conform to its goals. The study used "capture" to appraise social actors' ability to capitalise on co-optation. Capture measures the ulema's ability to influence laws, policies,

appointments, and distribution of resources. My application of the concept of capture—adapted from political economy—mainly develops, rather than rejects, Migdal's interest in "practices" of states and societies.

Comparative cases are often difficult to justify even though comparisons are important for theorising in political science. In the case of this study, official ulema institutions in Indonesia and Malaysia are different in terms of structure and centre-branch relations, though I maintain that comparing MUI and MKI (particularly JKF-MKI) is valid and useful for several reasons. First, the departments being compared within the two institutions fulfil the same functions: they make fatwas; generate revenue; and conduct research. Second, authoritarian leaders from both countries established these institutions for similar purposes. The two institutions facilitated their political and economic agendas, and served to harness the accelerated Islamisation that had been underway since the 1970s. Third, the ulema see merits in joining these state-institutions: they can get direct access to states' resources and gain authority to shape policies.

Suharto's and Mahathir's Islamic policies have had a significant influence on contemporary ulema, particularly their capture priorities. I distinguish Suharto's co-optation strategies as symbolic institutionalism and Mahathir's as substantive institutionalism. The two leaders' co-optation strategies can be differentiated by the extent to which they empower official ulema institutions; their motivations for control; and their techniques of control. Suharto expected MUI to support Pancasila and the regime, while Mahathir, and his successors, expected the

Malaysian ulema to support UMNO's policies. However, Suharto was less interested in giving real power to the official ulema than Mahathir, and he applied repressive tactics to contain dissent. Suharto conceded little to the ulema's demands. In contrast, Mahathir empowered Islamic institutions to attract the ulema to support for his development policies. Mahathir also sought to out-flank PAS on Islamic issues, which had successfully drawn ulema into its fold. In this regard, Suharto's institutionalisation of ulema was more superficial than that undertaken by his Malaysian counterpart.

The different degree of ulema empowerment shapes contemporary capture objectives in two ways. First, the Malaysian ulema are focussing on consolidating their authority while the Indonesian ulema are preoccupied with having their authority recognised. Malaysian laws and regulations have clearly defined the extent of the ulema's power. There are areas in which they have less authority compared to their Indonesian counterparts, such as shariah economics, but there are other areas in which they enjoy a monopoly, such as halal certification, fatwa declaration, and public censorship on Islamic issues. By contrast, the Indonesian state does not grant MUI such authority. In the post-New Order period, MUI is lobbying the state to expand their powers on halal and morality issues, though, to date, with little success.

Second, MUI relies more on societal conservatism to strengthen its authority whereas the Malaysian official ulema can act independently of societal demands. For MUI, the more conservative the society, the higher the demand for services such as shariah banking and finance, halal certification, and shariah

tourism. While ormas and civil activists can challenge MUI's fatwas, the Malaysian ulema are empowered by law enabling them to ignore with impunity public opinion. The fatwas they issued, if gazetted, have the force of law. The Malaysian ulema derive their legitimacy from the powers accorded to them by the Malay rulers, who are the constitutionally prescribed protectors of Islam and the Malays, and support from federal and *negeri* governments.

I also maintain that history and social context are critical to understanding contemporary ulema behaviour. The Islamic resurgence movement, which emerged in the 1970s to the 1990s, has had a significant impact on contemporary Islamic ideas in both countries. The rise in Islamisation was directly linked to the push for Islamic order which scholars have described as "shariasation." Today, a more competitive political environment in Indonesia and Malaysia has reignited the ulema's push for an "alternative" Islamic order. This is the reason why MUI and JKF-MKI ulema are making shariah economics, halal certification, and public morality their areas of capture. The official ulema also feel that only under their leadership can an "authentic" Islamic discourse prevail in their respective societies.

Significance of study

By discussing the dynamics of co-optation and capture between states and official ulema, this study enriches existing scholarship, both empirically and theoretically. The study's empirical findings mainly engage writings by Islamic studies, legal, and area studies scholars who have done research on

Indonesian and Malaysian ulema. For theory, the study contributes to the discussion on interest-mediation models in the field of comparative politics. This study attempts to develop Migdal's state-in-society approach by applying the concept of "capture." Besides contributing to empirical and theoretical knowledge, the study also hopes to reflect critically on official ulema's struggles to capture their respective states as well as their impact.

Empirical contributions

The study responds to the perception among many scholars, civil activists, and Muslims that official ulema are the state's lackeys. To their detractors, official ulema are not genuine Islamic scholars, because they are compromised in their work by having to serve the government. Are they right in making this judgement? Arguably, stating that ulema are minions of the state downplays their ability to influence states, the logical conclusion of which would be they are impotent on policy and appointment matters, and unable to Islamise states from within. My study's findings show how Indonesian and Malaysian official ulema have contributed to their respective states' conservative policies. The Yudhoyono government, for instance, relented to pressure from the official ulema on the Ahmadiyah issue. It also passed laws that previous governments were reluctant to pass such as the Shariah Banking Law and Pornography Law in 2008. The Malaysian state, on the other hand, has been unable to contain the conservative official ulema, particularly on issues such as the use of the term "Allah" by Christians, conversion of minors, and proscription of Shiism.

The study not only responds to the negative perception of ulema and the conclusions that some scholars have drawn about MUI and JKF-MKI but also advances two claims that differ from prevailing scholarship. First, post-New Order MUI is not as influential as existing writings suggest. These works maintain that contemporary MUI fatwas have been responsible for violence against religious minorities, such as Ahmadiyahs, Shias, and liberal Muslims. The present study argues that MUI's positions on these issues have been consistent since its founding in 1975, and the fatwas generally have limited impact on society. MUI issues fatwas mainly in response to ummat pressure or its fatwas are seized on by groups that were already sectarian. Thus, MUI's fatwas were reflecting the attitudes of sections of the ummat rather than shaping them. It is true, however, that conservative groups often seized on MUI fatwa to legitimise their vigilante actions. In the preceding chapters, I have also cited cases where Indonesian Muslims ignored MUI's role. They paid no attention to its halal certificates; disregarded its requests to be consulted on public morality; and took no notice of its declaration of important dates in the Islamic calendar, such as Eids and the beginning of the fasting month of Ramadhan.

However, MUI's ability to gain support from several cabinet ministers has contributed to its success in capturing parts of the state. For example, the religious minister and several other members of the Yudhoyono's cabinet supported MUI's demands to restrict Ahmadiyah's role. The passing of the Islamic Banking Law in 2008 represented another success for MUI as the state finally recognised its role in shariah finance. Yet, MUI has failed to replicate this

success in monopolising halal certification, obtaining a role in morality censorship bodies, and determining what constitutes mainstream and orthodox Islam. Ideological differences among MUI members, and ineffective use of Pancasila, have also hindered the institution's progress in making its views heard by the state. Conservative voices within MUI had to compete with progressives in the institution, including the liberal-minded scholars in its Advisory Board.

The second main conclusion from my research is that Malaysian official ulema are more powerful than what scholars believe. The preceding chapters trace the historical factors that led to the contemporary ulema's strength. Since the 1980s, the Malaysian ulema have benefitted from Mahathir's Islamisation drive, which were targeted contain the influence of PAS and Islamic NGOs. They were loyal supporters of UMNO during the Mahathir era. Yet, the study also demonstrates how they have extended their authority beyond what the state originally envisaged. Under the Abdullah and Najib governments, the official ulema have the option to support UMNO, Malay rulers, or even the opposition as and when circumstances benefit them. Their support for UMNO and the Malay rulers are conditional: they want to preserve the existing social order which defines the institutions they occupy. Furthermore, UMNO has become weaker under Najib and his government is more dependent on ulema support.

The success of the Malaysian official ulema in capturing the state is demonstrated in several aspects. The state and other key political, administrative and economic institutions have appointed official ulema to

strategic decision-making positions, such as advisory positions in banks, religious councils, and universities, including in positions not related to their religious training. The state gives generous funding to institutions dominated by official ulema. In addition, the ulema have reliable and plentiful revenue by virtue of their role in halal certification and shariah finance that gives them a measure of autonomy. The success of Malaysian official ulema is most evident in their ability to determine who can speak on religious matters. They restricted those seen as promoting liberalism and secularism the right to speak on Islam. Some official ulema, such as Harussani Zakaria and Nooh Gadut, have been able to prolong their membership on religious councils, thereby establishing and entrenching personal power bases, at the expense of the many young and equally capable religious scholars who are denied influential positions. This allows senior ulema to dictate the way institutions are run and, in some cases, disregard the wishes of UMNO politicians and ministers. The Malaysian culture of respect for seniority also means that the longer ulema stay in the institutions, the more difficult it is for junior ulema to question them. Furthermore, the high level of unity within the JKF-MKI and the effective use of the state's ideology, Rukunegara (especially on "Belief in God" and "Loyalty to the King") and Malay supremacy (*ketuanan Melayu*), explain their relative success in capturing the state.

Arguably, the ulema's successful capture contributed to the state's conservative "turn" in ways that Mahathir and Abdullah Badawi did not anticipate. For instance, ulema used state's platforms such as the JKF-MKI, JAKIM and IKIM to promote Islamist ideas that Mahathir tried to contain in the 1980s. Since

Mahathir's retirement, ulema in state institutions have been championing an Islamic state and greater shariaisation of society.

Despite the success of Malaysian official ulema in capturing parts of the state, UMNO will remain critical to the management of religious affairs. While it is true that the Malaysian official ulema have outgrown their original status as religious advisors to the Malay rulers and UMNO loyalists to become an "exclusive" group, this is not to say that UMNO has lost the ability to shape policies pertaining to Islam. While UMNO is weaker under Najib Abdul Razak than it was under Mahathir Mohamad and Abdullah Badawi, the party continues to dictate Islamic affairs. The findings of this study only suggest that UMNO does not have the dominance over Islamic affairs as it once enjoyed.

Contributions to comparative politics approaches

Besides making empirical contributions, the study also engages with comparative politics approaches. Existing works have applied the corporatist theory to describe state-society relations during Suharto's and Mahathir's rule. While there are studies that apply Migdal's state-in-society approach for Indonesia after the Suharto era, scholars on Malaysian politics have largely ignored the approach. The present study adds new perspectives to the debate by applying the state-in-society approach to both Indonesia and Malaysia. Migdal has founded a scholarly tradition that paints a complex picture of state and society relations. He argues that states are not as omnipotent as political scientists believe. According to Migdal, "rule making, especially in complex institutions, is itself a complicated undertaking, involving numerous parties,

coming from different standpoints at the question of what the rule should be" (2013, p. viii).

My only criticism of Migdal relates to how he and his followers have applied the theory to the cases they examine. Migdal's works concentrate on proving the limitations of the state rather than those of society. Applying Migdal's approach, contributors in his edited volume *The Everyday Life of the State* are also guilty of this oversight. In his most recent works, Migdal describes the difficulties facing the Israeli state in handling the Palestinians. The Israeli foot soldiers, when faced with exigencies and threats from Palestinian villagers, often deviated from the state's orders (Migdal, 2013, p. xi). Describing the soldiers' struggle, Migdal posits,

The army's chain of command frayed quickly as lower-level officers and recruits had to deal with real-life problems and entreaties in local communities, while trying to remain reasonably faithful to the orders they received from on high (p.x).

This study adopts Migdal's approach, but shifts the focus to societal actors as units of analysis as it is important to examine the struggles and successes of societal actors in influencing states. Different units within society have different objectives towards states, and they apply various strategies to accomplish these objectives. Similarly, states wanted to achieve various goals using societal groups, and apply different strategies for this purpose. Therefore, any attempts to measure success or failure in co-optation and capture should establish what state and societal actors want to achieve and are subsequently able to achieve.

Moreover, the study does not analyse the behaviour of actors that live on the peripheries of the country to demonstrate the state's limitations. Unlike many other studies that apply Migdal's approach, this study is not focussing on actors' "everyday lives." Instead, it highlights that states' limitations can be demonstrated within the very structures they strive to control. Hence, scholars need not go to villages or local towns to look at how central governments struggle to co-opt social actors. By applying the concept of "capture," my study concentrates on the "practices" of social actors while not losing sight of the state's authority. Through the application of this concept, it is possible to analyse the tools that social actors use to influence states, such as laws, policies, and state institutions. One can also examine how religious ideas serve as tools for authority construction and consolidation.

Critical reflections on official ulema's struggle

This study has demonstrated how the ulema today are making similar demands to those Muslim resurgence groups made between the 1970s and the 1990s. The resurgence groups were advocating an alternative to the modern, secular system. Although Suharto and Mahathir acceded to some of these demands, they had the powers to reject those that do not meet the states' agenda. However, the ulema today continue many aspects of this resurgence agenda, albeit under different political conditions. The 1997 Asian financial crisis has led to greater plurality in both countries—more so in Indonesia than Malaysia. The widening of democratic contest in the two countries has allowed the ulema to press their demands with less resistance from national leaders. Furthermore,

both countries have witnessed the rise of a strong, pious Muslim middle class that supports greater shariaisation. This trend is evident in Muslims' less tolerant attitudes towards the multi-racial and multi-religious societies in which they live. Muslims are indeed less accepting of heterodoxy within their own faith community and are more likely to seek action against perceived 'deviancy' from orthodox Islamic doctrine.

The discussion on Islamic resurgence is also significant in responding to the question of intent: did the ulema enter religious institutions mainly for personal gain or for religious purposes? I acknowledge the limitations of determining intent, but from the study's empirical data, both elements are present. The alleged abuses carried out by MUI ulema on halal certification and Islamic banking suggest they are mainly interested in making personal gains. MUI ulema also showed their pragmatism when they adopted a progressive religious opinion related to banking loans for the haj ritual because that would lead to more demand for their services. Incidences of corruption by the Malaysian ulema were less common, though some muftis sat in important boards in the civil service and financial institutions. These boards have a reputation for providing opportunities to members to self-enrich themselves. They are important sources of key networks to businesses. They also sat on censorship and leadership committees. These examples show that there might be political and economic motivations for being official ulema.

The similarity of the ulema's discourse and that of the Muslim resurgence in the 1970s also indicates that the majority of the ulema genuinely believe that their

struggle is in line with shariah principles. One reason for this similarity is because the generation of ulema that participated in the resurgence movement four decades ago is now heading religious institutions of their respective countries: for Malaysia, as muftis, JAKIM directors, IKIM academics, and shariah court judges; and for Indonesia, MUI members, civil servants in Kemenag, and university lecturers. For the case of Malaysia, they could be formerly ABIM or Darul Arqam activists; and for the case of Indonesia, they could be former ICMI or members of the *tarbiyah* movement.

The Islamic discourse since the 1970s conditioned the ulema's responses to contemporary problems. According to Mannheim (1936, p.3), an individual's thinking is shaped by the surrounding environment in which he grows up, and he simply adopts the ready-made solutions available to him. Growing up during the Islamic resurgence period, the ulema are exposed to the dominant view that Islam is Ad-Deen or a way of life. They interpret this Quranic verse to mean Islam has the solution to every problems societies face, including the lack of development. The belief in an alternative Islamic order—through Islamic banking, Islamic insurance, halal certification, Islamic entertainment, Islamic tourism—is borne out of their desire to counter the Western way of life. Thus, their discourse is part of the shariaisation drive to bring Indonesia and Malaysia closer to what they see as the Islamic ideal.

The official ulema-led shariaisation has contrasting effects in Indonesia and Malaysia. MUI's shariah implementation drive in Indonesia is more contained compared to a similar process undertaken by the Malaysian ulema. While MUI

has made inroads in pushing their conservative agenda, the state, civil society, and progressive intellectuals have been able to restrict its influence in society. Suharto played a large part in keeping MUI's powers in check. His decision not to grant significant power MUI has hamstrung the Council even after the fall of the regime in 1998. During the New Order, Suharto developed strong Islamic intellectualism that could neutralise Islamic conservatism. He sent young students to study in Western universities who later returned and promoted progressive ideas in society. He hoped that these reform-minded Muslim intellectuals abandoned the old agendas of Islamic state and shariah clauses in the Constitution. In the 1980s and 1990s, these intellectuals played a significant role in countering MUI and radical groups' endeavours to create an alternative Islamic order. This trend is like to continue in the 21st century, where extremism and radicalism will be kept in check (Azyumardi, 2005, p.19).

The Yudhoyono government rejected MUI's demands for exclusive rights to determine public morality, issue halal certificates, and only partly acted on its plan to define mainstream Islam. However, it lacks the gumption of Suharto's New Order regime. It was unable to contain MUI's role in promoting sectarian violence towards the Ahmadis as well as other religious minority groups. Yudhoyono also allowed MUI to oversee shariah banking and finance, which led to many MUI ulema becoming extremely wealthy through their work as advisors of Islamic banks. It is likely that MUI leaders will continue to pressure the state to meet their demands by taking advantage of societal conservatism. The more conservative the society becomes, the higher the demand for MUI's shariah certificates for banks, restaurants, hotels, and clothing.

In the case of the Malaysian official ulema, they have clearly entrenched themselves as a class within the Malaysian bureaucracy. Because of that, being official ulema have been advantageous for them as a sectional interest group. The benefits come from the fact that there is a coherent set of policies regarding economic and financial activities, as well as the right to determine public morality. Laws relating to Islamic practice and faith were also in place. The official ulema sit on important decision-making bodies such as book and entertainment censorship boards, as well as other financial, academic and political institutions. In short, Mahathir's substantive institutionalism has created a coordinated and effective religious bureaucracy in Malaysia which then allows ulema to tap on the state's resources for their political and financial gains.

However, there is a cost to this. Mahathir's policies are responsible for developing a powerful and conservative ulema class that civil society groups and Muslim intellectuals struggle to challenge. Substantive institutionalism worked well with a strong leader at the helm of the country. During his administration, Mahathir was active in challenging conservative groups in the country. With his retirement, however, the official ulema no longer have redoubtable leaders blocking their conservative agenda. There has been a concerted effort on the part of the Malaysian ulema to monopolise the right to voice religious opinions.

Recently, the Malaysian ulema have sought to ridicule civil society groups promoting religious pluralism and progressivism—such as SIS (Sisters in Islam) and IRF (Islamic Renaissance Front)—whenever they make statements on Islamic matters. In July 2014, MAIS gazetted SIS as “deviant” because the women’s rights group promotes liberalism. The fatwa states that all publications associated with liberalism are unlawful and can be confiscated. The ulema have also dominated the religious discourse in which progressive Malaysian intellectuals, such as Chandra Muzaffar, Farouk Musa, Hashim Kamali, and Norani Othman, have been marginalised. While the Malaysian official ulema could use fatwas to prevent progressive intellectuals from speaking and writing on Islamic issues, they have not used their authority to prevent harassment on religious minorities. Conversely, they went as far as seeking to manage the private lives of Malaysian Muslims by authorising *negeri* religious officials to conduct raids in hotels, parks, and entertainment outlets to filter out immoral behaviour and “deviancy.”

It is important to note that the rise in Islamic conservatism in Malaysia has caused some discomfort among citizens. There has been resistance to the ulema and their control of Islamic affairs. On 8 December 2014, 25 prominent Malays—including former Malaysian Ambassador to the Netherlands, Noor Farida Arrifin—wrote an open letter calling for a dialogue on the role of Islam in a democratic country (*The Malaysian Insider*, “Champion open debate and discourse on Islamic law—Noor Farida Arrifin and 24 others,” 8 December 2014). The letter asserts that Malaysia is a secular country and calls for moderation of the role of Islamic law. It expresses concern that the official

ulema are issuing fatwas that disregarded the Federal Constitution. This is the most influential challenge to the conservatives so far.

Yet, three Malaysians—two of them Muslim lawyers—penned a counter open-letter stating the way Islamic laws has been applied in the country is moderate (*The Malaysian Insider*, "A response to letter by 25 eminent Malaysians—Zainul Rijal, Tuan Musa Awang and Azril Mohd Amin," 13 December 2014). The three writers claimed that "moderation" practised in Malaysia is based on Quranic values and in line with JAKIM's position. Hence, it remains doubtful if the progressives, even as they continue to speak up against the conservatives, will succeed in moderating the ulema's stance. The ulema will continue seeking to consolidate their authority by riding on societal conservatism and forging alliances with radical and supremacist NGOs. They will continue portraying themselves as the "gate-keepers" of Islamic faith, Malay supremacy, and monarchy.

Prospects of a capture theory

A theory depicts the broad causal relationship between variables that can generate better understanding of social phenomena. The present study proposes three main independent variables explaining why the Malaysian ulema are more successful than Indonesian ulema in meeting their capture objectives. The three variables are: clear institutional role; a coherent ideology; and organisational unity. However, the study does not deny other contributory factors that explain my findings. Factors such as splits within states,

demography, history and geography also play a role in explaining the relative success of the Malaysian ulema.

In order to generate a broader analytical abstraction, similar studies should be carried out in other countries in Southeast Asia, especially where authoritarian regimes have grappled with the rise in piety since the 1970s. A good case study is Singapore. Writings on the Singapore official ulema are inclined to portray strong state co-optation (Hussin, 2012; Lily, 2009; Walid, 2012). Could applying the concept of capture draw new conclusions on Singapore official ulema's behaviour? The study's approach should also be replicated in other authoritarian, Muslim majority countries such as Saudi Arabia, Egypt, and Turkey. As pointed out in the literature review, existing writings tend to depict Saudi Arabian and Egyptian ulema as weak due to state co-optation. The concept of capture may offer different perspectives on these ulema. The previously mentioned states are comparably authoritarian to the Suharto and Mahathir governments, yet very few studies have investigated the reason official ulema in these states remain in power for long periods. To what extent can religious institutions provide official ulama with legitimacy and popularity? In the same vein, Turkey is another relevant case study. During the Ottoman Empire, the official ulema worked under the Caliph's tutelage. In the 1920s, however, Kemal Ataturk led the country into secularisation and exerted strong, top-down control over the religious establishment. How do the Turkish official ulema behave under the present Islamic government?

Replicating this study in other cases in the Islamic world is important because as this study of Indonesian and Malaysian official ulema behaviour has shown, there is a multiplicity of interpretive possibilities. The data collected over a period of three years questions conclusions scholars have made on ulema behaviour in Indonesia and Malaysia. Information gathered through conversations with official ulema in these two countries—by observing their fatwa meetings and events and analysing their fatwas, sermons and speeches—provides further insights into the complexity of their relations with state officials. The evidence from this study suggests that there is a fine line between states forcing ulema to support their ideology and ulema embracing them to fulfil other political and material gains. On the one hand, ulema are not passive social actors as some scholars assume, but on the other hand, their quest for greater Islamisation is constrained by policies undertaken by the strongmen who once ruled their countries.

Even as the political competition opens up in Indonesia and Malaysia, particularly after the Asian financial crisis in 1997, the Islamic policies Suharto and Mahathir pursued throughout their rule will continue either to affect ulema's strive for greater authority for many years to come. Still, relying on state institutions is not the only strategy available to official ulema to consolidate their authority. As the study has demonstrated, Muslim conservatism has greatly aided Indonesian and Malaysian official ulema in capturing the state. The rise of conservatism in Indonesia and Malaysia would only facilitate the ulema's mission for greater capture of power.

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- Marina Mahathir. Board member, Sisters in Islam, 7 February 2013
- Ma'ruf Amin. Chairman Majelis Ulama Indonesia Dewan Syariah Nasional (DSN), 3 December 2012
- M Ichwan Sam. Seceretary General, Majelis Ulama Indonesia, 3 December 2012
- M Imdadun Rahmat. Vice-General Secretary, Nahdlatul Ulama, 30 November 2012
- Mohamad Shukri Bin Mohamad. Mufti. Negeri Kelantan, 7 April 2013
- Mohd Asri Zainul Abidin. Former Mufti of Perlis, Associate Professor, Universiti Sains Malaysia (USM), 21 April 2013
- Muhammad Isa Anshari. Chief Secretary, Majelis Ulama Indonesia, 31 October 2012 and 6 December 2012
- Nadrattuzaman Hosen. Majelis Ulama Indonesia (MUI) leader, Islamic Economics and Finance (Executive Director), 5 March 2013 and 12 August 2014.
- Nasaruddin Umar. Vice-Minister of Religion, Republic of Indonesia, 7 December 2012
- Nasruddin Hassan Tantawi. Youth President and member of Dewan Syura, Islamic Party of Malaysia (PAS), and State Member of Parliament for Pahang, 10 February 2013
- Nik Abdul Aziz Nik Mat. Former Chief Minister of Kelantan, Mursyidul Am of PAS, 7 April 2013
- Said Aqil Siroj. General Chairman, Nahdlatul Ulama, 2 March 2013
- Ratna Osman. Executive Director, Sisters in Islam, 7 February 2013
- Rumadi Ahmad. Program Coordinator, The Wahid Institute, 3 December 2012
- Siddiq Fadzil. President, Kolej Dar al-Hikmah and Former President of ABIM, 24 April 2013
- Slamet Effendy Yusof. Head Majelis Ulama Indonesia and Head Central Nahdlatul Ulama, 5 December 2012
- UMNO politician, 8 February 2013

Appendices

Appendix 1#

Members of National Fatwa Committee, JKF- MKI (as at 2014)

Chairman: Tan Sri Abdul Shukor Hj Husin

Secretary: Dato' Haji Othman bin Mustapha

Member	Negeri
Tan Sri Harussani Zakaria	Perak
Dato' Setia Taymes Abd Wahid	Selangor
Dr Zulkifli al-Bakri	Federal Territory
Bungsu@Aziz Haji Jaafar	Sabah
Dato' Seri Hassan Ahmad	Pulau Pinang
Datuk Wira Rashid Redza Md Saleh	Malacca
Dato' Muhamad Shukri Muhamad	Kelantan
Dato' Mohd Tahrir Shamsudin	Johore
Dr Zulkifly Muda	Terengganu
Mohd Yusof Ahmad	Negeri Sembilan
Dato' Paduka Syeikh Muhamad Baderudin Ahmad	Kedah
Haji Kipli Yasin	Sarawak
Datuk Murshid Diraja Juanda Jaya	Perlis
Dato' Haji Abdul Rahman Osman	Pahang
Tan Sri Syeikh Ghazali Abdul Rahman	Appointed Council of Rulers (Investment Panel Tabung Haji)
Professor Zakaria Stapa	Appointed Council of Rulers (Academic UKM)
Datin Dr Paizah Ismail	Appointed Council of Rulers (Academic UM)
Dr Abdul Hayei Abdul Shukor	Appointed Council of Rulers (Former Academic IIUM)
Faisal Ahmad Sabri	Appointed Council of Rulers (Attorney General's Chambers)
Professor Zhari Ismail	Appointed Council of Rulers (Pharmaceutical Chemistry, USM)

Professor Ashrah Md Hashim	Appointed Council of Rulers (International Sharia Research Academy for Islamic Finance)
Professor Selamat Hashim	Appointed Council of Rulers (Universiti Al-Azhar Tuanku Muhriz Malaysia)
Associate Professor Dzulkifly Mat Hashim	Appointed Council of Rulers (Laboratory Chief, Universiti Putra Malaysia)
Mohd Hamzah Ismail	Appointed Council of Rulers (Legal Advisor)

Appendix 2#

MUI Fatwa Commission Members (2010-2015)

Head	Hasanuddin AF	
Vice Heads	Khuzaemah T Yanggo Fathurrahman Djamil Asnawi Latief Nahar Kahrawi Maulana Hasanudin	
Secretary	Asrorun Niam Sholeh	
Vice Secretaries	Sholahudin Al-Aiyub Ma'rifat Iman Muhammad Faiz	
Members	<div> <div>Anwar Ibrahim</div> <div>Muhammad Amin Suma</div> <div>Masyhuri Naim</div> <div>Ghazalie Masroeri</div> <div>Syarifudin Abdul Mughni</div> <div>Sutarmadi</div> <div>Imam Ad-Daraquthni</div> <div>Abdurrahman Dahlan</div> <div>Fattah Wibisono</div> <div>A Malik Madani</div> <div>A Munif Suratmaputra</div> <div>Mursyidah Thahir</div> <div>Aminudin Yakub</div> <div>Zafrullah Salim, SH,M Hum</div> <div>Umar Ibrahim</div> <div>Syaifudin Amsir</div> <div>Hamdan Rasyid</div> <div>Arwani Faishol</div> <div>Suhairi Ilyas</div> <div>Sirril Wafa</div> <div>Setiawan Budi Utomo Abdullah Abdul Kadir</div> </div> <div> <div>Ridwan Ibrahim Lubis</div> <div>Endang Mintarji</div> <div>M Najib</div> <div>Ade Suherman</div> <div>Sulhan</div> <div>Isnawati Rais</div> <div>Faizah Ali Syibromalisi</div> <div>Ahmad Hasan Ridhwan</div> <div>Artani Hasbi</div> <div>Sopa</div> <div>Tb Abdurrahman Anwar</div> <div>Salman Manggalatung</div> <div>Syamsul Anwar</div> <div>Anwar Hidayat</div> <div>Ahmad Tholabi Kharlie</div> <div>Uswatun Hasanah</div> <div>Ahmad Syatori Ismail</div> <div>Mukri Aji</div> <div>Nuril Huda</div> <div>Taufiq Rahman Azhar</div> </div>	

Source: Majelis Ulama Indonesia. (2011a). *Himpunan Fatwa Majelis Ulama Indonesia Sejak 1975*. Jakarta: Erlangga.

Appendix 3#

MUI Leadership Board since 2010 -2015

General Chairman	Sahali Mahfudh (d. 2014)	
Vice-General Chairman	Din Syamsuddin (General Chairman since 2014)	
Secretary General	Ichwan Sam	
Heads	Ma'ruf Amin (Vice-General Chairman since 2014)	Anwar Abbas
	Umar Shihab	Tutty Alawiyah
	Amrullah Ahmad	Cholil Ridwan
	Abdullah Syukri Zarkasyi	Slamet Effendy Yusuf
	Yunahar Ilyas	Muhyidin Junaidi
	Basri Barmanda	Sinansari Ecip
	Amidhan	Hafidz Usman
Vice-Secretary Generals	Zainut Tauhid Saadi	
	Welya Safitri	
	Natsir Zubaidi	
	Tengku Zulkarnain	
	Amirsyah Tambunan	
	Noor Ahmad	
	Amany Lubis	
General Treasurer	Juniwati Maschjun Sofwan	
	Ahmad Djunaidi	
	Nadrattuzzaman Hosen	
	Chinaini Saleh	
	Tabri Ali Husein	
	Chairunnisa	

Source: Majelis Ulama Indonesia. (2011a). *Himpunan Fatwa Majelis Ulama Indonesia Sejak 1975*. Jakarta: Erlangga.

Appendix 4#

MUI Chairmen Since 1975

Prof. Dr. Hamka (Muhammadiyah) 1975-1981

KH. Syukri Ghozali (NU) 1981-1984

KH. Hasan Basri (Muhammadiyah) 1984-1998

Prof. KH. Ali Yafie (NU) 1998-2000

KH. M. Sahal Mahfudh (NU) 2000-2014

Dr Din Syamsuddin (Muhammadiyah) 2014-Present

Appendix 5#

Article 3 of the Malaysia Federal Constitution

(1) Islam is the religion of the Federation; but other religions may be practised in peace and harmony in any part of the Federation.

(2) In every State other than States not having a Ruler, the position of Ruler as the Head of religion of Islam in his State in the manner and to the extent acknowledged and declared by the Constitution of that State, and, subject to that Constitution, all rights, privileges, prerogatives and powers enjoyed by him as Head of that religion, are unaffected and unimpaired; but in any acts, observances or ceremonies with respect to which the Conference of Rulers has agreed that they should extend to the Federation as a whole each of the other Rulers shall in his capacity as Head of the religion of Islam authorize the Yang Di-Pertuan Agong to represent him.

(3) The Constitutions of the States of Malacca, Penang, Sabah, and Sarawak shall each make provision for conferring on the Yang Di-Pertuan Agong the position of Head of the religion of Islam in that State.

(4) Nothing in this Article derogates from any other provisions of this Constitution.

(5) Notwithstanding anything in this Constitution the Yang-Dipertuan Aging shall be the Head of the religion of Islam in the Federal Territories of Kuala Lumpur, Labuan and Putrajaya and for this purpose Parliament may by law make provisions for regulating Islamic religious affairs and for constituting a council to advise the Yang Di-Pertuan Agong in matters relating to the religion of Islam.

Source: International Law Books Services. (2013). *Federal Constitution*. Petaling Jaya:ILBS.